



S.A.No.1474 of 1999

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Second Appeal No.1474 of 1999

R.Ponnusamy (Deceased)

2.Palaniammal

3.P.Dhandapani

4.Selvarani

... Appellants

(Appellants 2 to 4 brought on record as LR's of the deceased sole appellant vide order of the Court made in CMP Nos.1934 to 1936 of 2003)

Versus

1.Lakshmiammal

2.Ramasamy

3.Saraswathi

4.Veeramasathiammal

5.Nagammal

6.Kannammal

7.Govindan

8.Nagarajan

9.Ayyasamy

10.Venkatammal

11.Seethalakshmiammal

... Respondents

Prayer: The Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree dated 04.04.1997 made in A.S.No.59 of 1993, on the file of the Principal Subordinate Judges Court, Coimbatore partly allowed the Judgment and decree dated 09.04.1992 made in O.S.No.1750 of 1979 on the file of the III Additional District Munsif Court at Coimbatore.



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For Appellants : Mr.P.Dinesh Kumar
For Mr.T.Manikandan

For R5 to R9 : Mr.V.Nicholas

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JUDGMENT

Connected S.A.No.19 of 2000 had been allowed by remanding the matter back to the III Additional District Court at Coimbatore for fresh consideration. The primary issue in this Second Appeal is declaration of title. That declaration of title can be granted only when the preliminary decree affirms right of the appellants as the shares will have to be worked out only in the preliminary decree.

2. Therefore, the Second Appeal is dismissed. The rights of the parties are to be adjudicated in O.S.No.1860 of 1967 wherein, a fresh preliminary decree may be passed in accordance with the shares of each one of the parties. No costs.

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ssi
Index:Yes/No
Speaking Order : Yes/No



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To

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- 1.The Principal Subordinate Judge, Coimbatore.
- 2.The III Additional District Munsif, Coimbatore.
- 3.The Section Officer,
VR Section, High Court of Madras.



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C.V.KARTHIKEYAN,J.,
SSI

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