



WEB COPY



S.A.No.34 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.34 of 2006

1.J.Mani (died)
2.J.Suresh
3.Jennath Nisha
4.Sakunthala
5.Sowmya
6.Soundarya

...Appellants

[Appellants 4 to 6 brought on record as LR's of the deceased 1st appellant viz J.Mani vide order of the Court dated 10.02.2021 made in C.M.P.No.19061 to 19063 of 2017 in S.A.No.34 of 2006 (TKRJ)]

Vs.

1.S.Lingan
2.S.Natraj
3.S.Ramakrishnan

...Respondents

PRAYER : Second Appeal filed Under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 28.06.2005 made in A.S.No.18 of 2005 on the file of the Subordinate Court at Ooty, confirming the Judgment and Decree dated 28.02.2005 made in O.S.No.106 of 2003 on the file of the District Munsif's Court at Kotagiri.



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For Appellants : Mr.Srinath Sridevan

For Respondents : Dr.R.Gowri

JUDGEMENT

This Second Appeal has been preferred as against the Judgment and Decree dated 28.06.2005 made in A.S.No.18 of 2005 on the file of the Subordinate Court at Ooty, confirming the Judgment and Decree dated 28.02.2005 made in O.S.No.106 of 2003 on the file of the District Munsif's Court at Kotagiri.

2.This Court vide detailed order dated 30.09.2022 in C.M.P.No.10414 of 2021 in S.A.No.34 of 2006, while allowing the said Civil Miscellaneous Petition, permitted the appellants herein to withdraw the present Second appeal and file a fresh comprehensive suit for declaration and permanent injunction.

3.In view of the above, this Second Appeal is dismissed as



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withdrawn. The appellants are at liberty to file a fresh comprehensive suit for declaration and permanent injunction before the Trial Court. No costs.

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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

rst

To

1. The Subordinate Court, Ooty.
2. The District Munsif's Court, Kotagiri.

KRISHNAN RAMASAMY, J.

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