



S.A. No. 586 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.586 of 2013

and

M.P.No. 1 of 2013

**T.Muthusamy,
S/o. Late Thirumana Gounder**

... Appellant

Versus

**1. Velayammal,
W/o. Late Thirumana Gounder**

**2. Vijayalakshmi,
W/o. Natarajan,
D/o. Late Thirumana Gounder**

**3. T.Shanmugam,
S/o. Late Thirumana Gounder**

... Respondents

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 04.12.2012 made in A.S.No.77 of 2012 on



S.A. No. 586 of 2013

the file of Principal District and Sessions Court, Erode, reversing the judgment and decree dated 15.11.2011 made in O.S.No.239 of 2009 on the file of Principal Sub-Court, Erode.

For Appellant : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.J.Titus Enock for R1 & R2

R3 – exparte

JUDGEMENT

The learned counsel appearing for the Appellant wanted to withdraw this Second Appeal and he has also made endorsement to that effect. But, the learned counsel for respondents 1 and 2 relying on the Apex Court Judgment *dated 11.08.2020* in the case of *Vineet Sharma vs. Rakesh Sharma and others (Reportable) in Diary No.3260 of 2018* seeking liberty to file supplementary decree before the trial court.

2. In the interest of justice, the request made by learned counsel for respondent is considered. Accordingly, this Second Appeal is dismissed as withdrawn. However, liberty is granted to the respondents to take



S.A. No. 586 of 2013

supplementary decree proceedings before the trial court within a period of eight weeks from the date of receipt of copy of this order. No costs.

Consequently, the connected M.P. is also closed.

11.07.2022

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To

Principal District and Sessions Judge,
Erode.



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S.A. No. 586 of 2013

T.V.THAMILSELVI, J.

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S.A. No. 586 of 2013

11.07.2022