



A.S.(MD)No.36 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

A.S.(MD)No.36 of 2006

and

C.M.P.(MD)No.1606 of 2006, 12058 & 12059 of 2016 & 526 of 2017

Srinivasan

... Appellant / Plaintiff

/Vs./

1.M.B.Seshaiah
2.M.S.Mohan Ram
3.M.S.Subramanian
4.M.S.Nagarajan
5.Ramaiya
6.R.Kanthimathi
7.P.S.Singaram
8.N.N.Geetha
9.S.Nagarajan
10.S.Rajam Sethuraman (Died)
11.Karpagam Ammal
12.Sumathi
13.J.Sarasawathi
14.A.Ramaiya
15.Nallammal
16.N.Sethuraman
17.S.Ramesh
18.S.Pradeeba
19.S.Gurusankar

...Respondents/Defendants 1-4 &6-16



A.S.(MD)No.36 of 2006

(Respondents 16 to 19 are brought on record as legal heirs of the deceased 10th respondent vide order of this Court dated 10.02.2022 in CMP(MD)No. 10473 of 2021.)

PRAYER: Appeal - filed under Section 96 of the Code of Civil Procedure, to set aside the Judgment and Decree passed in O.S.No.105 of 2004 on the file of the Fast Track Court No.1, Madurai, and to pass a decree for partition and separate possession of the plaintiff's 1/5th share in the suit properties and a decree for rendition of accounts with costs of suit as prayed for in O.S.No. 105 of 2004, Fast Track Court No.1, Madurai and thus allow the appeal with costs.

For Appellant : Mr.V.Thirumal

For Respondents : Mr.N.Sathish Babu (R2 to R4)

Mr.D.Balasubramanian (R5 & R6)

Mr.G.Raghul (R7)

Mr.D.Nallathambi (R8 & R9)

Mr.R.Jayaraman (R13)

No appearance for R1 & R15

R10 – Died

R11, R12 & R14 – Dismissed for Default



A.S.(MD)No.36 of 2006

JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

When this appeal came up for hearing on 22.09.2022, adjournment was sought for by the learned counsel appearing for the appellant. We adjourned the case on a specific undertaking that the appeal will be argued finally today.

2. Even when the appeal was called today, once again the learned counsel appearing for the appellant is seeking for adjournment. We are not inclined to grant any adjournment in this appeal and this Appeal Suit is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petitions are closed.

(J.N.B.,J.) (N.A.V.,J.)
13.10.2022

Index : Yes/No
Internet : Yes
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A.S.(MD)No.36 of 2006

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

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To:

- 1.The Fast Track Court No.1, Madurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
A.S.(MD)No.36 of 2006

Dated
13.10.2022