



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

S.A. (MD)No.292 of 2010

Thankaraj (Died)

... 1st Defendant / Appellant /
Appellant

2. Jegatham

3. Jawahar

4. T.Santhosh

(Appellants 2 to 4 were brought on record as LR's.
of the deceased sole appellant vide Order dated
18.02.2022 made in C.M.P. (MD)Nos.1344 to 1346 of 2022)

... Appellants

Vs.

1. Thankalakshmi

2. Chellamma

3. Nesam (Died)

4. Ambaiyyan

5. Velappan

... Plaintiff & Defendants 2 to 5 /
Respondents / Respondents

6. Justin

7. Latha

8. Jayan

9. Kala

10. Sree

11. Subash

(R-3 died and respondents 6 to 11 were *suo motu*
impleaded vide Order dated 18.02.2022)

... Respondents

Prayer: Second appeal filed under Section 100 of C.P.C., against the
Judgment and Decree dated 28.10.2009 made in A.S.No.25 of 2006 on
the file of the Subordinate Judge, Kuzhithurai, confirming the

<https://hcservices.ecourts.gov.in/hcservices/>



Judgment and Decree dated 13.10.2005 made in O.S.No.263 of 2002 on the file of the II Additional District Munsif, Kuzhithurai.

For Appellants : Mr.T.Lajapathi Roy

For R1 to R3 : M/s.J. Anandhavalli

For R-4 & R-5 : Mr.K.N.Thampi

J U D G M E N T

This second appeal arises out of a suit for partition.

2. The suit properties belonged to one Kunchu Nadar. Following his demise and that of his wife, one of the daughters, namely, Thankalakshmi filed O.S.No.263 of 2002 on the file of the II Additional District Munsif, Kuzhithurai. The first defendant was the brother, while defendants 2 and 3 were the sisters of the plaintiff. Defendants 4 and 5 are purchasers of the first item of the suit property from the first defendant / appellant herein. The learned trial Munsif vide judgment and decree dated 13.10.2005 decreed the suit and held that the plaintiff is entitled to 1/6th share in the entire suit properties. Defendants 4 and 5 were also held jointly entitled to 4 ¼ cents in the first item of the suit property from out of undivided half share of the first defendant. Aggrieved by the same, the plaintiff filed A.S.No.25 of 2006 before the Sub Court, Kuzhithurai. The sisters, namely, defendants 2 and 3 also filed cross appeal. The first appellate Court by the impugned judgment and decree dated 28.10.2009 confirmed the decision of the trial Court. Challenging the same, this second appeal came to be filed.

3. After a careful consideration of the rival contentions, I am more than satisfied that no substantial question of law arises for consideration.

4. This second appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The Subordinate Judge,
Kuzhithurai.

2. The II Additional District Munsif,
Kuzhithurai.

Copy to:

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-13714[F] dated
23/03/2022)

+1 CC to M/s.K.N.THAMPI, Advocate (SR-13662[F] dated 23/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13818[F] dated
23/03/2022)

S.A. (MD) No. 292 of 2010
22.03.2022

MGJ(13.04.2022) 3P 8C