



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.522 of 2010

and

M.P.(MD)No.1 of 2010

... Appellant/Appellant/Defendant

Vs.

Kalian

1.Chinnammal

2.Muthu

... Respondents/Respondents/Plaintiffs

Prayer : Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 19.11.2009 passed in A.S.No.179 of 2007 by the Principal District Court, Tiruchirappalli, confirming the judgment and decree dated 24.01.2006 passed in O.S.No.376 of 2004 by the District Munsif Court, Thuraiyur.

For Appellant : Mr.S.Ramu

For Respondents : No appearance

JUDGEMENT

The defendant in O.S.No.376 of 2004 on the file of the District Munsif Court, Thuraiyur is the appellant in this second appeal. The respondents herein filed the suit seeking the relief of bare injunction against the appellant. The suit was decreed. A.S.No.179 of 2007 filed by the appellant before the Principal District Court, Tiruchirappalli also suffered dismissal. Challenging the same, this second appeal came to be filed.

2.The learned counsel appearing for the appellant would point out that the appellant was an employee under one Duraisamy and his case throughout was that the matter suffers from non-joinder of necessary party. Be that as it may, as of now the appellant had left the employment of said Duraisamy and therefore, according to him, nothing survives for further consideration in this second appeal.

3.Recording the submission of the learned counsel for the appellant, the second appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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To:

1.The Principal District Judge,
Tiruchirappalli.

2.The District Munsif,
Thuraiyur, Trichy District

Copy to:

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

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NSN (CO)
KB(11.03.2022) 2P 5C