



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.576 of 2010

WEB COPY

1. P.Periya Karuppiah

Nadukkaruppiah (Died)

2. Mu.Karuppiah

3. Mu.Pethannan

... Appellants / Appellants /
Defendants 1,3 & 4

4. Nachammal

5. K.Murugan

6. Chithra

7. Sundarammal

... Appellants /
Legal Representatives of D-2

Vs.

K.Paramasivam

... Respondent / Respondent /
Plaintiff

Prayer: Second appeal filed under Section 100 of C.P.C., to set aside the Judgment and Decree of the lower Appellate Court in A.S.No.157 of 2008 on the file of the Subordinate Judge, Theni, confirming the Judgment and Decree passed in O.S.No.61 of 2007 dated 29.08.2008 on the file of the District Munsif, Theni against these appellants, allow the appeal and dismiss the suit with cost throughout.

For Appellants

: Mr.R.A.Mohan Ram

For Respondent

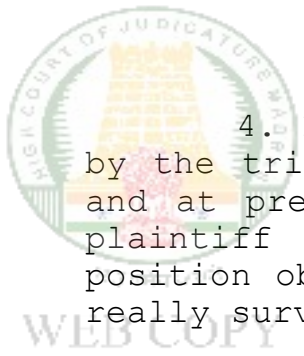
: Mr.T.Lajapathi Roy

J U D G M E N T

Heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondent.

2. The defendants in O.S.No.61 of 2007 on the file of the District Munsif, Theni, are the appellants in this second appeal.

3. The suit was filed for the relief of mandatory injunction to remove the encroachment committed by the defendants on the suit pathway.



4. It is stated that subsequent to the passing of the decree by the trial Court, the revenue officials cleared the encroachment and at present the suit property is being used as a pathway. The plaintiff / respondent herein has no objection for the present position obtaining on ground to continue. According to him, nothing really survives for consideration in the second appeal.

5. Recording the said submission of the learned counsel appearing for the respondent, this second appeal is disposed of. 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.

To:

1. The Subordinate Judge,
Theni.
2. The District Munsif,
Theni.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10263[F] dated
07/03/2022)

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CK(CO)
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