



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD) No.669 of 2010

- 1.Saradambal (Died)
- 2.Kalarani
- 3.Minor.Aravindakumar
- 4.Minor.Monisha

.. Appellants/Appellants/
Plaintiffs

(Appellant 3 & 4 rep by their mother/Natural Guardian 2nd appellant Kalarani)

[1st appellant died and appellants 2 to 4, who are already on record, are recorded as LR of the deceased 1st appellant vide order dated 21.02.2022 made in S.A.(MD) No.669 of 2010]

-vs-

- 1.Chinnaiyan (Died)
- 2.Jagatheesan @ C.N.Ananthan (Died) .. Respondents 1 & 2/
Respondents/Defendants

[R1 Died and 2nd respondent, who is already on record, is recorded as LR of the deceased 1st respondent vide order dated 21.02.2022 made in S.A.(MD) No.669 of 2010]

- 3.Santhi .. 3rd Respondent

[R3 is *suo motu* impleaded as LR of the deceased 2nd respondent vide order dated 21.02.2022 made in S.A.(MD) No.669 of 2010]

Prayer :- Second Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree in A.S.No.132 of 2005 dated 18.12.2008 on the file of the Additional Sub Court, Kumakonam confirming the judgment and decree in O.S.No.392 of 1993 dated 25.08.2005 on the file of the I Additional District Munsif Court, Kumbakonam.

For Appellants	:	Mr.K.Govindarajan
RR1 & 2	:	Died
For R3	:	No appearance



JUDGMENT

This second appeal arises out of an injunction suit. The unsuccessful plaintiffs are the appellants herein. A memo has been filed by the learned counsel for the appellants that the property actually belongs to Kasi Mutt, Thiruppanandal and that during the pendency of these proceedings, the contestants passed away. The 1st appellant also is no more. Her legal heirs are on record. It is stated that the legal heirs are directly paying the rent to Kasi Mutt. In these circumstances, the appellants do not want to pursue the second appeal. They seek leave to withdraw.

2. Leave is granted. The second appeal is dismissed as withdrawn. The memo dated 17.04.2022 signed by the 3rd appellant and the counsel is taken on record. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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.

abr

To

1.The Additional Sub Judge,
Kumakonam.

2.The I Additional District Munsif,
Kumbakonam.

Copy to

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



+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-20303[F] dated
21/04/2022)

WEB COPY

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SP (CO)
KB (04.05.2022) 3P 6C