



S.A.No.145 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Second Appeal No.145 of 2008

Parvathi Ammal

.. Appellant

Vs.

1.Rajammal

2.Unnamalai Ammal
W/o. Shanmugam

3.Unnamalai Ammal
W/o.Narayanan

4.Kanthiyammal

5.Minor Kamalrajan
(R5 minor represented by guardian
and mother Kanthiyammal)

.. Respondents

Prayer: Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 08.07.2002 made in A.S.No.48 of 1997 on the file of the Principal District Court, Vellore Vellore District, as confirmed in O.S.No.30 of 1986 on the file of the Sub Court, Tirupathur.



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For Appellant : Mr.A.P.Venkataraman
For R1 : Mr.K.R.A.Muthukrishnan
For R2 & R3 : No appearance
R4 : Dismissed on 14.12.2022
R5 : Minor represented by R4

J U D G M E N T

The matter was listed on 14.03.2023 and yet again on 28.03.2023 and finally today on 18.04.2023. On all these days, learned counsel for the appellant was absent. The records reveal that my learned sister Justice Ms. P.T.ASHA had dismissed the appeal as against the 4th respondent on 14.12.2022. I adjourned the matter on several occasions to enable the counsel for the appellant to take steps to restore the appeal against the 4th respondent. In a suit for partition, the decree being joint, if the appeal is dismissed against one appellant or respondent, the appeal has to fail with respect to all the parties. Being left with no other option, this Second Appeal is dismissed as the appeal has already been dismissed as against the 4th respondent. No costs.

18.04.2023

Index : Yes / No
Neutral Citation : Yes / No
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V.LAKSHMINARAYANAN,J.

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To

The Record Keeper
V.R. Section
High Court, Chennai.

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