



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

SA.No.1496 of 2007
and M.P.No.1 of 2007

K.Perumal

... Appellant

Vs.

Venkatesan

... Respondent

PRAYER: Second Appeal filed under Section 100 of the CPC, against the reversing portion of the judgement and decree of the Principal Subordinate Judge's Court at Vriddhachalam passed in A.S.No.130 of 2005 dated 30.08.2006 partly reversing the Judgement and decree of the 1st Additional District Munsif Court at Vriddhachalam in OS.No.515 of 1996 dated 25.11.2004.

For Petitioner : Mr.V.Anand

For Respondent : Not ready in notice [sole respondent]



JUDGEMENT

A memo dated 22.02.2023 has been filed today by the learned counsel for the appellant stating as follows:-

" It is submitted that in the partition in the appellant's family the subject matter property was allotted to the brother of the family manager/appellant. The allottee has sold the property and the purchaser has demolished the superstructure. As it is a case of easement of support nothing survives for consideration. The second appeal may be dismissed as infructuous."

2. The memo dated 22.02.2023 is recorded and the same is taken on file.

3. In view of the above, nothing survives for consideration in the Second Appeal. Consequently the above Second Appeal is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

22.02.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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- To
1. The Principal Subordinate Judge's Court at Vriddhachalam.
 2. The 1st Additional District Munsif Court at Vriddhachalam.



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P.T. ASHA, J.

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