



S.A(MD)No.1037 of 2011

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.1037 of 2011

and

M.P(MD)No.1 of 2011

1.Chinnakannu

2.Sennivasan

...Appellants

-Vs-

1.E.Venkatammal

2.Ramasamy Nayacker

3.Seethalakshmi

4.Velmurugan

5.Sivakumar

... Respondents

(Notice not necessary, since the respondents 2 to 5 are having same rights along with appellants)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the decree and judgment dated 06.06.2011 passed in A.S.No.2 of 2010 on the file of the Subordinate Judge, Theni, thereby confirming

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the decree and judgment in O.S.No.51 of 2006 dated 12.11.2009 on the file of the District Munsif, Theni, with costs in favour of the appellants/defendants 6 & 7 with the respondents 2 to 5/defendants 2, 3 to 5.

For Appellants : Mr.A.Shahul Hameed

For Respondents : No appearance

JUDGMENT

The learned counsel for the appellants filed a memo dated 21.02.2023 stating that the first respondent is no more. The said memo is recorded.

2. The second appeal is arising out of a suit for bare injunction filed by the first respondent. The suit was decreed by the trial Court and the appeal filed by the appellants herein/defendants 6 and 7 was also dismissed by the first appellate Court.



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3. In view of the fact that the first respondent died three years back and the second appeal is already abated as against the contesting first respondent, the Second appeal is dismissed as abated. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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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.



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S.SOUNTHAR, J.

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