



S.A.(MD)No.1176 of 2011

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.(MD).No1176 of 2011

1.V.Perumal
2.Muthulakshmi
3.V.Chelladurai
4.Vellaithai

... Appellants

Vs.

1.Muthammal(died)
2.Packiam
R2 is brought on record as LR.
of the deceased sole respondent
vide Court order dated 17.08.2020
made in C.M.P.(MD).Nos.2301 to 2303 of 2016
in S.A.(MD).No.1176 of 2011.

... Respondents

PRAYER: The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 18.08.2011 made in A.S.No.15 of 2010 on the file of the Sub Court, Theni partly allowing and partly dismissing the judgment and decree dated 23.02.2010 made in O.S.No.133 of 2005 on the file of the District Munsif Court cum Judicial Magistrate, Andipatty, Theni District.

For Appellants : Mr.S.Rajasekar

For Respondents : Mr.T.R.Jeyapalam



S.A.(MD)No.1176 of 2011

WEB COPY

J U D G M E N T

The subject matter is pertaining to the partition among the family members. The suit in O.S.No.133 of 2005 was decreed and against which, the defendants have filed an appeal and the same was dismissed. Hence, the present appeal came to be filed by the defendants. Under such circumstances, the learned counsel for the appellants filed a Memo dated 14.08.2023, stating that the matter has been settled amicably between the parties and the second respondent, who is the sole legal heir of the first respondent/plaintiff executed a release deed by way of Document No.3075/2023, dated 22.05.2023, in respect of the share allotted to her in a preliminary decree, by receiving a sum of Rs.2,94,005/- from the appellants herein. Therefore, he would submit that nothing survives in the present appeal for adjudication.

2. In view of the above, the Second Appeal is dismissed as settled out of Court. No costs.

25.08.2023

akv



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To

- 1.The Sub Court,
Theni.
- 2.The District Munsif Court cum
Judicial Magistrate,
Andipatty, Theni District.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A.(MD)No.1176 of 2011

KRISHNAN RAMASAMY,J.

akv

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