



S.A(MD)No.206 of 2005

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.206 of 2005

Arumugam

...Appellant

-Vs-

1.Vengusamy

2.Balu

3.Muthu

4.Alagar

5.Pandi

6.Bose

7.Puspavalli

8.Karuppiah

9.Yasoda

10.Pitchaiammal

11.Meenal

12.Parvathi

... Respondents



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PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree in A.S.No.17 of 2003, dated 28.07.2004, on the file of the Subordinate Court, Paramakudi, confirming the judgment and decree in O.S.No.81 of 2001 dated 28.02.2003 on the file of the District Munsif Court, Paramakudi.

For Appellant : Mr.K.R.Laxman

For R4 to R9 : Mr.G.Sridharan

JUDGMENT

It is seen from the records that the second appeal was dismissed as against 11th respondent as early as 02.03.2022. This second appeal is arising out of a suit for partition. In view of the dismissal of the second appeal as against 11th respondent, who is admittedly a sharer, the appellant cannot proceed with the second appeal against other sharers as the decree passed by the Courts below attained finality in respect of one of the sharer. Hence, this Second Appeal is dismissed. However, there shall be no order as to costs.

05.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Subordinate Judge,
Paramakudi.
- 2.The District Munsif,
Paramakudi.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

CP

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