



A.S.(MD)No.294 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

A.S.(MD)No.294 of 2021

1.V.Veeramani

2.B.Subha @ Pandiammal

...Appellants

/Vs./

1.K.Banupriya

2.Minor K.Yuvaraj

(Minor R2 is declared as Major and the guardianship of his mother, K.Dhanalakshmi is discharged vide Court Order dated 17.07.2023 made in CMP(MD)No.8373 of 2023 in AS(MD)No.294/2021.)

3.S.P.Kumbabishekam

4.C.Annamalai

5.V.Muniasamy

6.R.Palanisamy

7.M.Meenakshi

8.P.Jeyachandran

9.M.R.Kubendiran

1/6



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10.M.R.Thulasiraman

11.The Commissioner,
Avaniapuram Panchayath Now by
Commissioner, Madurai Municipal Corporation,
Anna Maligai, Alagar Koil Road,
Madurai.

12.S.Ashif

...Respondents

PRAYER:- Appeal Suit - filed under Section 96 of CPC, to set aside the judgment and decree dated 16.02.2018 in O.S.No.3 of 2012 on the file of I Additional District Judge, Madurai, insofar as Item 2 of the suit property insofar as defendants 5 and 6 one concerned and allow the Appeal as prayed for.

For Appellants : Ms.AL.Gandhimathi

For Respondents : Mr.R.Sethuraman (R1&R2)

Mr.P.Ganapathisubramanian (R4)

R3, R5 to R10 & R12 – D/W

Mr.S.Vinayak (R11)

(R3 to R12 given up vide memo dated
26.07.2023 filed by the appellants)



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JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

This matter is listed under the caption for 'Reporting Settlement' today. The appeal suit is pursued only as against respondents 1 and 2 and a memo is filed by the appellants dated 21.07.2023 to this effect. The memo is placed on record and the contents duly noted.

2. As regards the relief sought, the respondents 1 and 2 hold a decree in respect of 2/9th share in Item 2 of the suit property under sale deed dated 28.06.2007 registered as Document No.7215/2007. Those respondents, ie., R1 and R2 have filed memo dated 26.07.2023 reading as follows:



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“MEMO FILED BY RESPONDENT 1 AND 2

1. The respondents 1 and 2 submits that the above appeal has been filed by the appellants as against the decree dated 16.02.2018 in O.S. No. 3 of 2012 on the file of First Additional District Judge, Madurai.

2. The respondents herein in whose favour a decree has been granted in respect of 2/9th share in item 2 of the suit property hereby withdraw their claim in respect of their 2/9th share of the properties under sale deed dated 28.06.2007, registered as doc.no. 7215/2007.

3. The respondents hereby are not pressing their decree in respect of 2/9th share in item 2 of the suit property and appellants will be entitled to the said property.

4. As such the appeal may be allowed in respect of the decree as against item 2 of the suit properties.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record this memo.”

3. The parties, ie., Mr.V.Veeramani and Ms.B.Subha @ Pandiammal, being appellants and Ms.K.Banupriya and Mr.K.Yuvaraj, being respondents 1 and 2 are present in Court today and their presence is duly noted.



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4. In light of the aforesaid memo, wherein the first and second respondents give up their share in the suit schedule property concerned, this appeal suit is liable to be allowed as regards the relief qua R1 and R2. Accordingly, this Appeal Suit is allowed as against R1 and R2. No costs.

[A.S.M.J.] & [R.V.J.]
27.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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TO:

1.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

2.I Additional District Judge, Madurai.



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AND
R.VIJAYAKUMAR, J.

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Judgment made in
A.S.(MD)No.294 of 2021

Dated:
27.07.2023