



S.A. Nos.226 & 258 of 2008

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 27.09.2024

CORAM

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

S.A. Nos.226 & 258 of 2008

and

M.P.No. 1 of 2008

S.A.No.226 of 2008

Arunachalam

... Appellant

Versus

1. Palanivel

2. Ekambaram

3. Revenue Divisional Officer,  
Katcheri Road,  
Mayiladuthurai.

4. District Collector,  
Nagapattinam.

... Respondents

**Prayer:-** Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 22.03.2007 in A.S.No.124 of 2005 on the file



S.A. Nos.226 & 258 of 2008

of Addl. Subordinate Judge (Incharge), Myladuthurai as reversed the judgment and decree dated 30.06.2005 in O.S.No.231 of 2003 on the file of the District Munsif Court, Sirkali.

For Appellant : Mr.M.Venkataseshan

For Respondents : Mr.S.Vadivel Murugan for R2

Dr. S.Suriya for R3 and R4

R1 – refused

S.A.No.258 of 2008

1. Arunachalam

2. Rajendran

... Appellants

Versus

1. Ekambaram

2. Thillainayagam

3. Sivaprakasam

4. Nalasekaran

5. Senthil

... Respondents

**Prayer:-** Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 22.03.2007 in A.S.No.139 of 2005 on the file of Addl. Subordinate Judge (Incharge), Myladuthurai as reversed the judgment and decree dated 30.06.2005 in O.S.No.267 of 2003 on the file of



S.A. Nos.226 & 258 of 2008

the District Munsif Court, Sirkali.

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For Appellants : Mr.M.Venkataseshan

For Respondents : R1 & R2 – No appearance

R4 - Dismissed

R3 & R5 – given up

### **JUDGEMENT**

Today, when the matter taken up for hearing, both learned counsel for appellants, learned counsel for 2<sup>nd</sup> respondent as well as learned Addl. Government Pleader appearing for respondents 2 and 3 appeared. The learned counsel for appellants submitted that there is a dispute between the parties with regard to a pathway, but there is no objection raised on the side of respondents to use the same as common. Furthermore, the pathway is a common pathway and now the appellant is enjoying the same without any objection. Hence, nothing survives for further adjudication in these Appeals. Accordingly, these Second Appeals are dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

**27.09.2024**



S.A. Nos.226 & 258 of 2008

To

1. Addl. Sub-Judge (Incharge),  
Mayiladuthurai.
3. Revenue Divisional Officer,  
Katcheri Road,  
Mayiladuthurai.
4. District Collector,  
Nagapattinam.



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S.A. Nos.226 & 258 of 2008

**T.V.THAMILSELVI, J.**

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S.A. Nos.226 & 258 of 2008

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