



S.A.No.345 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE Mr. JUSTICE **G.ARUL MURUGAN**

**S.A.No.345 of 2006**

1.K.Chittibabu (died)  
2.G.Suguna  
3.D.Kamakshi  
4.D.Sathya  
5.D.Nithya

... Appellants

vs.

1.R.Shantha  
2.C.Vasantha  
3.C.Nandagopal  
4.C.Boopalan  
5.C.Nandini Devi

...Respondents

(R2 to R5 brought on record as LR's of the deceased 1<sup>st</sup> respondent vide Court order dated 09.02.2021 in C.M.P.Nos.40 to 42 of 2014)

**Prayer:-** Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 09.09.2005 in A.S.No.566 of 2004 passed by the learned Additional District-cum-Sessions Court, IV Fast Track Court, Chennai, reversing the judgment and decree dated 29.10.2003 in O.S.No.9354 of 1993 passed by the learned VI Assistant Judge, City Civil Court, Chennai.

For appellants : No appearance

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## **J U D G M E N T**

This Second Appeal is filed by the defendants 1 and 3 in the suit. The suit was filed by the first respondent herein for partition of 1/4 share. Pending Second Appeal, the first respondent died and the legal heirs were brought on record as the respondents 2 to 5.

2. The suit for partition was dismissed by the Trial Court, however, the Lower Appellate Court allowed the appeal and decreed the suit granting 1/4 share in the suit property in favour of the plaintiff.

3. Even though the first respondent in this Second Appeal died and the legal heirs were brought on record as respondents 2 to 5 as early as on 09.02.2021, till date the appellants have not filed batta and taken any steps to serve the respondents 2 to 5 in this Second Appeal.

4. Since this Second Appeal is of the year 2006 and it is evident that the appellants are not interested in prosecuting this appeal, there is no purpose in keeping this Second Appeal pending.



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5. In view of the same, this Second Appeal is dismissed for default. There shall be no order as to costs.

**16.02.2024.**

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order  
apd

To

1. The Additional District-cum-Sessions Court, IV Fast Track Court,  
Chennai.

2. The VI Assistant Judge, City Civil Court, Chennai.

3. The Section Officer, V.R.Section, High Court, Madras.



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apd

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