



S.A.No.608 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

S.A.No.608 of 2010

and

M.P.No.1 of 2010 & C.M.P.No.2654 of 2022

Eswaramoorthy

... Appellant

VS.

1.Eswari @ Maheswari

2.Vijaya

3.Sarojini

...Respondents

Prayer:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 24.08.2007 in A.S.No.14 of 2006 passed by the learned Principal District Judge, Erode, confirming the judgment and decree dated 28.11.2003 in O.S.No.70 of 1997 passed by the learned Sub Judge, Dharapuram, Erode.

For appellant	: Mr.P.Navaneetha Krishnan
For R1	: Mr.R.Asokan
For R2	: Mr.N.Ponraj
For R3	: Mr.K.Sudhakar



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J U D G M E N T

In the suit filed for partition, preliminary decree was passed. Challenging the same, the appellant filed appeal in A.S.No.14 of 2006, which was dismissed by the judgment and decree dated 24.08.2007. Against which, the appellant/second defendant is before this Court.

2. Today, when the matter is taken up for hearing, the counsel for the appellant submits that based on the preliminary decree passed by the Trial Court on 28.11.2003, already a final decree has been passed on 18.10.2004 in I.A.No.542 of 2004 in O.S.No.308 of 2004. The counsel submits that as per the final decree, the parties have taken possession and all along are in enjoyment of their respective shares.

3. In view of the same, the learned counsel for the appellant submits that no further adjudication is required in this Second Appeal.

4. Recording the same, this Second Appeal is closed. Consequently, connected miscellaneous petitions are closed. There shall



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be no order as to costs.

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5. Further, the third respondent in the Second Appeal was impleaded as a legal heir of the first defendant. Since, she was not a party to suit, her liberty is reserved in respect of her claim, if any.

07.03.2024.

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
apd

To

1. The Principal District Judge, Erode.
2. The Sub Judge, Dharapuram, Erode.
3. The Section Officer, V.R.Section, High Court, Madras.



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G.ARUL MURUGAN,J

apd

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