



S.A. No. 896 of 2024

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

DATED : 12.12.2024

CORAM

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

S.A. No.896 of 2024  
and  
C.M.P.No.28701 of 2024

Ruckmaniammal (died)

1. R.Selvaraj  
2. R.Krishnamoorthy

... Appellants

Versus

1. R.Ganga Naidu  
2. R.Duraisamy  
3. R.Narayanasamy  
4. R.Balasundaram

... Respondents

**Prayer:-** Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 31.10.2024 made in A.S.No.117 of 2013, on the file of V Addl. District and Sessions Judge, Coimbatore reversing the judgment and decree dated 05.09.2013 made in O.S.No.223 of 2009 on the file of Principal Subordinate Judge, Coimbatore.



S.A. No. 896 of 2024

For Appellants : Mr.A.Sri Ram  
For Respondents : Mr. Vengadesh Durai Raja V.K.

### **JUDGEMENT**

Today, when the matter taken up for hearing, the learned counsel for Appellant appeared and submitted that after filing of this Second Appeal, he came to know that a Second Appeal in S.A.No.172 of 2015 was filed by same parties against the same judgment and decree passed in A.S.No.117 of 2013 and the same was already decided on 24.03.2015. Hence, he seeks permission of this Court to withdraw the above Second Appeal. To that effect, he has produced the copy of judgment dated 24.03.2015 and also made endorsement.

2. On perusal of judgment passed by this court on 24.03.2015, the fact reveals that the Second Appeal in S.A.No.172 of 2015 was decided for the same subject matter of the property and on considering the submissions as



S.A. No. 896 of 2024

well as endorsement made by learned counsel for appellant, this Second Appeal stands dismissed as withdrawn. No costs. Accordingly, the connected Civil Miscellaneous Petition is closed.

**12.12.2024**

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To

V Addl. District and Sessions Judge,  
Coimbatore.



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S.A. No. 896 of 2024

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

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S.A. No. 896 of 2024

**12.12.2024**