



S.A(MD)No.268 of 2011

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.268 of 2011

and

M.P(MD) No.1 of 2011

1.Vellachamy Thevar

2.Muthusamy

...Appellants

-Vs-

1.Jeganathan

2.Periathai

3.Parvathiammal

4.Gurusamy Pandian

5.Minor Karthick

6.Minor Ilayaraja
(Minors 5th & 6th respondents represented through
their paternal grandfather 4th respondent)

7.V.Marimuthu

8.Velladurai

... Respondents



S.A(MD)No.268 of 2011

WEB COPY

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the decree and judgment dated 11.03.2010 in A.S.No.62 of 2005 on the file of Subordinate Judge, Sankarankovil, confirming the judgment and decree dated 23.07.2003 in O.S.No.386 of 1998 on the file of the Principal District Munsif cum Judicial Magistrate, Sivagiri.

For Appellants : Mr.F.X.Eugene

For Respondents : No appearance

JUDGMENT

It is seen from the records that by order dated 27.08.2019, the second appeal was dismissed against the respondents 1, 2, 4 to 6 and 8. The contesting respondent is the first respondent/second plaintiff. He obtained a preliminary decree for partition of his half share and the same has been confirmed by the first appellate Court.

2.In view of the dismissal of the second appeal against the contesting first respondent as early as 27.08.2019, no purpose will be served by keeping the



S.A(MD)No.268 of 2011

WEB COPY

second appeal pending against the remaining respondents, namely respondents 3 and 7. Hence, the Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Subordinate Judge, Sankarankovil.
- 2.The Principal District Munsif cum Judicial Magistrate, Sivagiri.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A(MD)No.268 of 2011

S.SOUNTHAR, J.

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29.04.2024