



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 271 of 2012

1. Gubendiran

2. Kamu

3. Muniasamy

...Appellants

Vs.

Mayakkal

...Respondent

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, to set aside the Judgment Decree dated 25.01.2011 made in A.S.No.29 of 2009 on the file of Sub Court, Periyakulam, confirming the Judgment and Deree, dated 05.02.2009 made in O.S.No.45 of 2007 on the file of the District Munsif Court, Periyakulam and allow this Second Appeal.

For Appellants :M/s.K. Appadurai

For Respondent :Mr.V. George Raja

JUDGMENT

The Learned Counsel appearing for the Appellants submitted that the suit in O.S.No.45 of 2007 on the file of the District Munsif Court, Periyakulam, was filed for recovery of possession. The said suit was decreed



and the Appellate Court has also confirmed the Judgment and Decree passed by the trial Court. Against the concurrent findings, the defendants have preferred this Second Appeal.

2. Pending this Second Appeal, the plaintiff died. It is submitted that based on the decree, execution proceedings was initiated and possession was also handed over and therefore, nothing survives for adjudication.

3. In view of the same, this Second Appeal is dismissed as infructuous. No Costs.

Index :Yes/No
Internet:Yes/No

27.11.2024

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To

1. The Sub Court, Periyakulam.
2. The District Munsif Court, Periyakulam.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J

KSA

**Judgment made in
S.A(MD)No.271 of 2012**

27.11.2024