



S.A(MDNo.300 of 2006

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.300 of 2006
and
C.M.P(MD)No.2323 of 2006

1.Narayanaperumalnadar

2.Muthulakshmanan

3.Sankaranarayanan

4.Athimoolaperumal

...Appellants

-Vs-

1.Subramaniam

2.Athinarayanan

3.Harikrishnan

4.Iyyakutti alias Sivanaintya Perumal

5.Subramaniam

6.Paramasivan

7.Muthian

... Respondents

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PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 31.03.2005 made in A.S.No.40 of 2004 on the file of the learned Subordinate Judge, Ambasamudram, confirming the judgment and decree dated 17.02.2004 made in O.S.No.16 of 997 on the file of the learned Principal District Munsif, Ambasamudram.

For Appellants : Mr.A.Arumugam

For R2 : Mr.Niranjan S.Kumar

For R1, R3,
R4 & R7 : No appearance

JUDGMENT

It is seen from the records that the second appeal has already been dismissed as against the second respondent by order dated 12.07.2022. It is also seen from the records that the second appeal was dismissed as against the respondents 5 and 6 by order dated 13.11.2019.

2.The second appeal is arising out of a suit for declaration of title and injunction. The suit was dismissed by the trial Court and the findings of the trial



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Court were affirmed by the first appellate Court. In view of the dismissal of the second appeal against the respondents 2, 5 and 6, the findings against the appellants have attained finality in respect of those respondents. When the findings negating the title of the appellants attained finality in respect of some of the respondents, the decree being inseparable, no purpose will be served by keeping the second appeal pending against the other respondents. The appellant is not entitled to proceed with the second appeal in respect of other respondents as the decree is inseparable. Therefore, this Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

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

- 1.The Subordinate Judge, Ambasamudram.
- 2.The Principal District Munsif, Ambasamudram.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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