



S.A(MD)No.237 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.09.2024**

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**S.A(MD)No.237 of 2005
and
C.M.P(MD)No.2126 of 2005**

1.Sivagami (died) ... Appellant/Respondent/Plaintiff
2.Ponnusamy
3.Jeyalakshmi
4.Pon.Ramachandran
5.Pon.Jeyaraman
6.Pon.Kesavan
7.Pon.Ravichandran
8.Pon.Ayyakaanuraju ... Appellants 2 to 8

(Appellants 4 to 8 are represented by
their power of Attorney Ponnusamy-2nd Petitioner)

(Appellants 2 to 8 are brought on record as Lrs of
the deceased 1st appellant vide order dated 31.08.2009
made in M.P(MD)No.2 of 2009 in S.A(MD)No.237 of 2005)

Vs.

1.Karuppiah
2.Raja
3.Ramamoorthy ... Respondents/Appellants/Defendants

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 03.11.2004 made in A.S.No.16 of 2004 on the file of the I Additional Sub Court, Madurai, reversing the judgment and decree dated 20.10.2003 made in O.S.No.169 of 2002 on the file of the District Munsif Court, Melur.



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For Appellants : Mr.D.Srinivasa Ragavan
For R – 2 : No appearance
For R – 3 : Mr.V.Chinnakaruppan

JUDGMENT

When the matter is taken up for hearing today, the learned counsel appearing for the appellants submitted that the defendants have sold the property to third parties and seeks permission of this Court to withdraw the Second Appeal with liberty to proceed with the purchasers legally and he has also made an endorsement to that effect.

2.Regarding the said liberty, this Court is not inclined to grant any leniency, as a question will arise regarding the cause of action. Hence, this Court leaves that question open and the appellants are at liberty to proceed further in the manner known to law.

3.With the above liberty, this Second Appeal is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2024

NCC : Yes/No
Index : Yes/No
ps

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S.A(MD)No.237 of 2005

To

1.The I Additional Sub Court,
Madurai.

2.The District Munsif Court,
Melur.

3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A(MD)No.237 of 2005

V.BHAVANI SUBBAROYAN, J.

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Judgment made in

S.A(MD)No.237 of 2005

02.09.2024