



S.A.(MD)No.531 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

S.A.(MD)No.531 of 2024

Kallapiran

... Appellant

versus

1. Rajendran
2. Muthu
3. Ulagammal

... Respondents

Second Appeal filed under Section 100 of C.P.C. to set aside the Judgment and decreetal order dated 21.02.2019 made in A.S.No.15 of 2018 on the file of the learned 3rd Additional District Judge, Tirunelveli, confirming the Judgment and decreetal order dated 29.08.2017 made in O.S.No.16 of 2013 on the file of the learned Sub Judge, Ambasamudram and allow the second appeal.

For Appellant : Mr.S.Deenadhayalan

For R1 : Mr.A.Sankarama Subramanian

JUDGMENT

This second appeal is filed by the 4th defendant as against the preliminary mortgage decree passed by the learned Sub Judge,



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Ambasamudram, in O.S.No.16 of 2013, dated 29.08.2017, which was confirmed by the learned III Additional District Judge, Tirunelveli, in A.S.No.15 of 2018, dated 21.02.2019.

2. The learned counsel appearing for the appellant submits that pending the Second Appeal, a final decree has been passed by the Sub Court, Ambasamudram and therefore, he seeks liberty to prosecute the final decree proceedings.

3. Considering the submission made by the learned counsel appearing for the appellant that a final decree has been passed by the Sub Court, Ambasamudram and also considering the fact that this appeal is arising out of the preliminary mortgage decree, this Second Appeal is closed with liberty to the appellant to challenge the final decree proceedings. No costs.

28.08.2024

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

1. The III Additional District Judge,
Tirunelveli.
2. The Sub Judge,
Ambasamudram.



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B.PUGALENDHI,J.

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