



*A.S.(MD)No.172 of 2015*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**  
**and**  
**THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**A.S.(MD)No.172 of 2015**  
**and**  
**M.P.(MD)No.1 of 2015**

S.P.Manoharan

... Appellant /  
1<sup>st</sup> Defendant

-Vs-

1.Anita

2.Ahila

3.Magesh

4.Vasanth

... Respondents/Plaintiffs

5.S.P.Dharmaraj

6.S.P.Ramachandran

7.Chandra Vatsala

8.Dhanalakshmi

9.Indira

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10.Umamageshwari

11.Vijayalakshmi

12.Anuradha

13.Ponvenkatesh

14.Karpagam

.. Respondents 5 to 14/

Defendants 3,4, 6 to 13

Appeal suit filed under Section 96 read with Order 41 Rule 1 of the Civil Procedure Code, 1908, as against the judgment and decree dated 29.03.2012 made in O.S.No77 of 2004 on the file of the Additional District Court, Fast Track Court No.II, Thoothukudi.

For Appellant : Mr.T.Antony Arul Raj

For Respondents : Mr.N.Dilip Kumar  
for R1 to R4

: R5 Exparte

: No appearance for R6 to R14



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## **J U D G M E N T**

[Judgment of the Court was made by **RMT.TEEKAA RAMAN, J.**]

On perusal of the records, we find that when the matter was taken up for hearing on 06.11.2024 this Court has observed as follows:

*“The respondents 1 to 4 filed a suit in O.S.No.77 of 2004, before the Additional District Court / Fast Track Court No.II, Thoothukudi, for partition. The defendants filed their written statements and inter alia denied the availability of the suit properties for partition. After trial, the learned Trial Judge partly decreed the suit by holding that the plaintiffs 1 to 3 are entitled to 3/4<sup>th</sup> share in Item Nos.1 to 3 in the first schedule property and in second item in the second schedule property; in respect of third and fourth schedule properties, the plaintiffs 1 to 3 are not entitled to partition and in respect of the fourth plaintiff, he is not entitled to maintenance and hence, the suit as against the fourth plaintiff was dismissed.*

*2. Aggrieved against the judgment and decree in favour of the plaintiffs, the first defendant has filed this appeal and it is submitted that the plaintiffs have not filed any appeal as their disallowed portion of the judgment and decree of the Trial Court.*



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*3. Learned counsel for the respondents 1 to 4 / plaintiffs reports no instructions.*

*4. In respect of fifth respondent, the appellant has filed a memo stating that the first respondent remained ex parte before the Trial Court. In respect of respondents 6 to 14, though their names have been printed in the cause list, they have not appeared either in person or through their counsel.”*

3. In order to afford an opportunity, the matter was ordered to be posted today. Today also when the matter is taken up for hearing, the learned counsel for the appellant and respondents reported no instructions. Hence, the appeal suit is dismissed for default. No Costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.]

[N.S., J.]

19.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PJL



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To

- 1.The Additional District Judge,  
Fast Track Court No.II,  
Thoothukudi,
- 2.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**RMT.TEEKAA RAMAN, J.**  
**AND**  
**N.SENTHILKUMAR, J.**

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**A.S.(MD)No.172 of 2015**  
**and**  
**M.P.(MD)No.1 of 2015**

**19.11.2024**