



S.A.No.951 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

S.A.No.951 of 2002

Mohamed Sadak Thambi (Died)

2.Hamsha Beevi

3.Mohamed Sulthan

4.Mohamed Meera Ummal

5.Abul Hassan

6.M.Syed Nazar

7.Mumtaz Begam

8.Askar Ali

9.Aasik

10.Bagrutheen Ali Hammed

... Appellants

(A2 to A10 are brought on record as LRs of deceased sole appellant vide Court order dated 09.09.2020 made in C.M.P.(MD)Nos. 7518 & 7519 of 2016 in S.A.No.951/2002)

Vs

1.Kamalam Ammal

2.Kunjaram Ammal

... Respondents

PRAYER: Second Appeal filed under Section 100 of C.P.C. against the judgment and decree made in A.S.No.131 of 1996 on the file of Principal District Court, Ramanathapuram dated 29.07.1997 reversing the judgment and decree made in O.S.No.499 of 1992 on the file of the Principal District Munsif Court, Ramanathapuram, dated 24.06.1996.



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For Appellants : Mr.S.Ramesh

For Respondents : No Appearance

JUDGMENT

The learned counsel for the appellants filed a memo stating that the second respondent executed a release deed in favour of the first respondent under Ex.A4, dated 24.12.1985 and subsequent to the disposal of the first appeal, the first respondent / first plaintiff executed a registered relinquishment deed in favour of the deceased appellant relinquishing her right over the suit property in favour of the deceased appellant. He also enclosed a copy of the registered release deed, dated 01.02.2002, registered as Document No.356/2002, on the file of the Sub Registrar, Keelakarai. If the respondents already released their share in favour of the deceased appellant by way of a registered document, they are not entitled to proceed with the final decree proceedings in pursuance of the preliminary decree obtained by them. The memo filed by the learned counsel for the appellants is recorded and the second appeal is disposed of in terms of the memo with a clarification that in case, the



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respondents file any final decree petition, the appellants are entitled to resist the same by relying on the registered relinquishment deed in their favour. With these clarifications, the second appeal is disposed of. There shall be no order as to costs.

18.06.2024

vsm

NCC : Yes / No
Index : Yes / No

To

- 1.The Principal District Judge, Ramanathapuram.
- 2.The Principal District Munsif, Ramanathapuram.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

vsm

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