



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.10.2024**

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**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**S.A.No.56 of 2003  
and  
S.A.No.774 of 2004**

**S.A.No.56 of 2003**

P.R.P.Senthilkumar

.... Appellant

Vs.

1.Sarasu  
2.Alaghu  
3.Panchu  
4.Chinniah

.... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the common judgment and decree, dated 23.04.2002 made in A.S.No.238 of 2001 and A.S.No.226 of 2001, on the file of the III Additional Sub-Court, Madurai and the Cross-Objections therein modifying the judgment and decree of the District Munsif Court, Melur dated 31.08.2001 made in O.S.No.188 of 2000.

For Appellant  
For R1 to R3  
For R4

: Mr.G.Sridharan  
: Mr.P.Pandithurai  
: Mr.P.Thiagarajan



**S.A.No.774 of 2004**

N.Chinnaiya

.... Appellant

Vs.

1.Sarasu

2.Alaghu

3.Panchu

4.P.R.P.Senthilkumar

.... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the decree and judgment passed in A.S.No.226 of 2001, on the file of the III Additional Sub-Court, Madurai dated 23.04.2002 confirming the decree and judgment made in O.S.No.188 of 2000, on the file of the District Munsif Court, Melur, dated 31.08.2001.

For Appellant  
For R1 to R3  
For R4

: Mr.P.Thiyagarajan  
: Mr.P.Pandithurai  
: Mr.G.Sridharan

**COMMON JUDGMENT**

The learned counsel appearing for appellants seek permission of this Court to withdraw these second appeals stating that there is an amicable settlement between the parties out of the Court and they have also filed an affidavit, dated 22.10.2024 to that effect and also made an endorsement to that effect.



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S.A.Nos.56/2003 & 774 of 20



**IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(MADURAI BENCH)**

S.A No. 774 of 2004

N.Chinnaiya ... Appellant

Sarasu and 3 others Vs ... Respondents

**MEMO FILED BY THE APPELLANT**

It is respectfully submitted that in view of the recent developments with respect to the disputes between the parties to the above second appeal the appellant have decided to withdraw the above second appeal.

It is therefore prayed that this Honourable Court may be pleased to permit the appellant to withdraw the above second appeal in SA No.774 of 2004 and to dismiss the above second appeal as 'WITHDRAWN'.

Dated at Madurai that this 22<sup>nd</sup> day of October 2024.

~~Appellant~~

  
Counsel for Appellant



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IN THE COURT OF JUDICATURE AT MADRAS AT MADURAI  
BENCH

SA NO.774 OF 2004

N.Chinnaiya

- Appellant

/ Vs /

Sarasu and 3 Others

- Respondents

**AFFIDAVIT FILED BY THE APPELLANT**

I, N.Chinnaiya, S/o.Nalluchamy, Hindu, aged about 66 years, residing at Keelavalavu Village, Melur Taluk, Madurai District, do hereby solemnly affirm and sincerely state as follows.

1. I am the appellant in the above second appeal, and as such I am well acquainted with the facts of the case.
2. I submit that I have filed the above second appeal, challenging the preliminary decree for partition dated 23.04.2002 made in AS No.226 of 2001 on the file of 3<sup>rd</sup> Addl.Sub Court, Madurai, partly modifying the judgement and decree dated 31.08.2001 made in O.S.No.188 of 2000 on the file of District Munsiff Court, Melur. Now in view of the recent developments with respect to the disputes between the parties to the above second appeal, I may be permitted to withdraw the above second appeal.

*N. Chinnaiya*

Page No : 1

No of Cors: NR

Initial : *NC*



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S.A.Nos.56/2003 & 774 of 20

It is therefore prayed that this Hon'ble Court may be pleased to permit me to withdraw the above second appeal in S.A.No.774 of 2004 and to dismiss the above appeal as withdrawn and thus render justice.

*N. Srinivasan*  
Appellant

Solemnly affirmed before me  
the contents of this affidavit  
explained to the deponent in  
Tamil and agreed to be true  
and correct and signed the  
same in my presence at  
Madurai on this 22.10.2024

*K. Loganathan* - 22-10-24  
Advocate : Madurai

**K. LOGANATHAN, A.B.L.**  
Advocate  
Enroll No. MS1132/2003  
Mobile No. 99430 94094

No: 01 / vs. Nagar  
Madurai - Trichy main Road  
Melur - 625106  
Madurai

Page No : 2 - last page  
No of Corns: *Nil*  
Initial : *✓*



S.A.Nos.56/2003 & 774 of 20

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2. In view of the above, both the second appeals are dismissed as withdrawn and the decree passed by the first appellate Court is confirmed. The affidavit filed by the appellants shall form part of the order. No costs.

Index : Yes/No

25.10.2024

Internet : Yes/No

am

To

1.The III 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.Nos.56/2003 & 774 of 20**

**V.BHAVANI SUBBAROYAN, J.**

am

**S.A.No.56 of 2003  
and  
S.A.No.774 of 2004**

**25.10.2024**