



S.A.No.1465 of 2004

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **S.SOUNTHAR**

S.A.No.1465 of 2004

and

M.P(MD)No.1 of 2010 and C.M.P.(MD)No.13095 of 2023

1.Thambi Ayya Fernando

2.S.Anantharaj

...Appellants

-Vs-

1.Joseph Paul Sagaya Nesan

2.Jerime Paul Antonia

3.J.John Xavier Rock De Almeida

... Respondents

(Second appellant was impleaded vide order of this Court, dated 08.11.2021 made in M.P.(MD)No.1 of 2015.

Second respondent was impleaded vide order of this Court, dated 10.12.2021 made in C.M.P(MD)No.5759 of 2021.

Third respondent was impleaded vide order of this Court, dated 20.07.2023 made in C.M.P(MD)No.893 of 2022.)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree in A.S.No.56 of 2001 on the file of the Subordinate Court, Kovilpatti, dated 07.11.2002 confirming the judgment and decree in O.S.No.1 of 1999 on the file of the District Munsif Court, Vilathikulam, dated 16.10.2001.



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For A1	:Mr.R.Manimaran
For A2	:Mr.G.Ramanathan
For R1	:Mr.J.Ashok
For R2	:Mr.A.Rajaram

JUDGMENT

When the matter is taken up for hearing, the learned Counsel for the first appellant submitted that the suit property was handed over to the appellants by the contesting respondent and therefore, nothing survives in this Second Appeal.

2.Recording the said submission, the Second Appeal is dismissed as settled out of Court. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2024

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

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To

- 1.The Subordinate Judge, Kovilpatti.
- 2.The District Munsif, Vilathikulam.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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