



S.A.(MD)No.20 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

S.A.(MD)No.20 of 2020
and
C.M.P.(MD)No.270 of 2020

1.Kanniappa Pillai

2.K.Govindaraj

3.K.Balusamy

4.Kulandaiammal

*(A2 to A4 are brought on record as LRs of deceased
sole appellant vide Court order dated 07.11.2019 made
in CMP(MD)Nos.10243, 10244 and 10246 of 2019 in
SA(MD)SR.No.35788 of 2009)*

... Appellants

Vs.

1.Mariyammal (Died)

2.Ramasamy Pillai

3.Chidambaram Pillai

4.Angammal

5.Seerangammal (Died)

6.Poornathammal



S.A.(MD)No.20 of 2020

7.Arumugam Pillai

8.Angammal

9.K.Kaliappan

(R9 is brought on record as LR of deceased 5th respondent vide Court order dated 07.11.2019 made in CMP(MD)Nos. 1186 to 1188 of 2018 in SA(MD)SR.No.35788 of 2009)

10.G.Maruthanayagam

11.G.Rajalingam

(R10 and R11 are brought on record as LR of the deceased 1st respondent vide Court order dated 10.10.2022 made in CMP(MD)Nos.1787, 1781 and 1786 of 2020 in SA(MD)No. 20 of 2020)

... Respondents

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code, to allow this Second Appeal and to set aside the fair order and ex-order dated 12.06.2008 passed in A.S.No.98 of 2004 on the file of the Principal Sub Court, Dindigul by confirming the order dated 07.02.2003 made in I.A.No.893 of 1995 in O.S.No.56 of 1978 on the file of the District Munsif cum Judicial Magistrate Court, Veda sandhur and to allot the properties purchased by the appellant to their vendors (Defendants 1 to 4) on the basis of equity and to allot the share of the petitioner / plaintiff in other properties there by allowing the appellant to retain the properties purchased by him.

For Appellants : Mr.T.R.Subramanian

For R2 to R4 & R9 : No appearance

For R10 & R11 : Ms.A.Arul Jenifer



S.A.(MD)No.20 of 2020

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JUDGMENT

The Second Appeal is directed against the judgment and decree passed in A.S.No.98 of 2004 dated 12.06.2008 on the file of the Principal Subordinate Court, Dindigul, confirming the order passed in I.A.No.893 of 1995 in O.S.No.56 of 1978 dated 07.02.2003 on the file of the District Munsif cum Judicial Magistrate Court, Veda sandhur and for further direction to allot the properties purchased by the appellant to their vendors (Defendants 1 to 4) on the basis of equity and to allot the share of the petitioner/plaintiff in other properties there by allowing the appellant to retain the properties purchased by him.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellants would submit that the matter has become infructuous and hence, he is withdrawing this second appeal and he has also made an endorsement to that effect.

3. In view of the endorsement made by the learned counsel appearing for the appellants, the Second Appeal is dismissed as



S.A.(MD)No.20 of 2020

withdrawn. Consequently, connected Miscellaneous Petition is closed.

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No costs.

25.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

csm

To

1. The Principal Subordinate Court, Dindigul.
2. The District Munsif cum Judicial Magistrate Court, Veda sandhur.
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A.(MD)No.20 of 2020



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S.A.(MD)No.20 of 2020

K.MURALI SHANKAR, J

csm

Judgment made in
S.A.(MD)No.20 of 2020
and
C.M.P.(MD)No.270 of 2020

Dated : 25.11.2024