



WEB COPY

S.A.No.204 of 2009



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

S.A.No.204 of 2009 and
M.P.No.1 of 2009

K.Duraisamy Naidu

... Appellant

Vs.

R.Ranganayakiammal

... Respondent

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree as made in A.S.No.42 of 2007 dated 11.07.2007 on the file of the Principal Subordinate Judge, Coimbatore, reversing the judgment and decree as made in O.S.No.3220 of 2004 dated 20.06.2006 on the file of the 1st Additional District Munsif, Coimbatore.

For Appellant : Mr.S.Karthikeyan

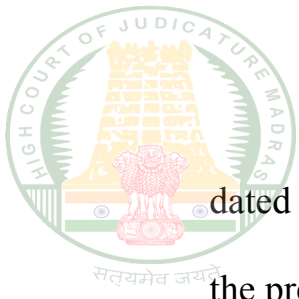
For Respondent : Mr.C.R.Prasanan



JUDGMENT

This Second Appeal has been filed to set aside the judgment and decree as made in A.S.No.42 of 2007 dated 11.07.2007 on the file of the Principal Subordinate Judge, Coimbatore, reversing the judgment and decree as made in O.S.No.3220 of 2004 dated 20.06.2006 on the file of the 1st Additional District Munsif, Coimbatore.

2. The plaintiff in O.S.No.3220 of 2004 on the file of the First Additional District Munsif Court, Coimbatore, is the appellant herein. The said suit had been filed to demarcate the boundaries of the suit property and for declaration that the plaintiff is the absolute owner of 10 cents of land in S.F.No.676 and mandatory injunction directing to remove the construction over the suit land and also to remove the ridge put up by the defendant and also for permanent injunction restraining the defendant from interfering with the peaceful possession of the suit property. The defendant had filed her written statement. By judgment dated 20.06.2006, the suit had been decreed. The defendant had filed A.S.No.42 of 2007 which came up for consideration before the Principal Sub Court, Coimbatore. By judgment



dated 11.07.2007, the Appeal Suit was allowed. The plaintiff therefore filed the present Second Appeal.

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3. The Second Appeal has not yet been admitted. During the pendency of the Second Appeal, both the appellant and the respondent had died.

4. The learned counsel for the respondent had stated that the respondent had died on 16.05.2020 and the details regarding the legal heirs have been furnished to the learned counsel for the appellant.

5. The learned counsel for the appellant however stated that inspite of best efforts taken, the legal heirs of the appellant have not come forward to give any further instructions.

6. In view of the same, this Second Appeal stands dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Speaking order / Non-speaking order

10.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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S.A.No.204 of 20



C.V.KARTHIKEYAN, J.

gsk

To

- 1.The Principal Subordinate Judge,
Coimbatore.
- 2.The 1st Additional District Munsif, Coimbatore.

S.A.No.204 of 2009 and
M.P.No.1 of 2009

10.07.2025