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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2025

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

S.A.No.95 of 2009

1.K.Muthusamy
2.K.Muthusamy
3.K.M.Kannan

...Appellants

Vs

1.K.Nagaraj
2.K.Ponnusamy @ Karuppa Gounder
Ramayee (died)
3.Karupayee
4.Veerammal
5.Subbiah
6.Muthusamy
7.Vimala Devi
8.Amsavalli
9.Kaliammal
10.Muthammal
11.Lakshmi
12.Ponnusamy

...Respondents

The Second Appeal filed under Section 100 of CPC, against the judgment and decree made in A.S.No.51 of 2004 dated 29.10.2007 on the file of the Subordinate Court, Namakkal, reversing the judgment and decree passed in O.S.No.379 of 2002 dated 10.06.2004 on the file of the District Munsif Court, Namakkal.



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For Appellant : Mr.K.V.Babu

For R1 : Mr.S.Senthil

R2 to R12 : Given up

JUDGMENT

The learned Counsel for the appellants seeks permission of this Court to withdraw this Second Appeal, and he has also made the following endorsement to that effect:

“Appellant may be permitted to withdraw the Second Appeal. Hence may be recorded and Second Appeal is closed”

2.The learned counsel for the appellants had also filed a memo which is as follows:

“It is humbly submitted that I am the 2nd appellant in the above mentioned Second Appeal. The Respondent herein had mortgaged his property and the same was declared as Non Performing Asset



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and was sold in auction. Therefore, the Respondent has no right in the property and I am not willing to proceed with the present case as against the Respondent herein. It is humbly prayed that this Hon'ble Court may be pleased to permit to withdraw the Second Appeal, record the same and thus render justice.”

3.In view of the above, this Second Appeal is dismissed as withdrawn. No costs.

04.07.2025

smv
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

To

- 1.The Subordinate Court, Namakkal
- 2.The District Munsif Court, Namakkal.
- 3.The Section Officer, VR Section, Madras High Court.



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C.V.KARTHIKEYAN,J.

smv

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