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S.A. No. 1564 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

S.A. No. 1564 of 2011

K.M.Natarajan(died)

2.Muthuammal

3.N.N.Gopal

4.Mallika

(Appellant 2 to 4 impleaded as LR of the deceased sole appellant vide order dated 16.04.2021 made in M.P. Nos. 1 to 3 of 2015 in S.A. No.1564 of 2011)

...Appellants

Vs.

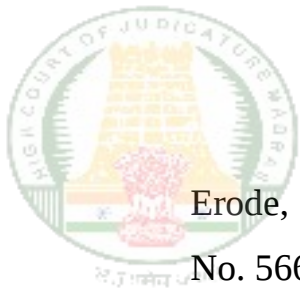
1.C.Ammaniammal (died)

2.B.Annakodi

(R2-Legal representative of the deceased as per memo dated 27.04.2021 (SR 13918) vide Court order dated 26.07.2021 made in S.A. No.1564 of 2011, memo recorded.

... Respondents

PRAYER: Second Appeal is filed under section 100 of the Code of Civil Procedure, 1908, to set aside the judgment and decree dated 22.06.2011 made in A.S. No. 91 of 2010 on the file of the Principal Subordinate Judge Court,



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Erode, confirming the judgment and decree dated 23.04.2010 made in O.S. No. 566 of 2002 on the file of the II Additional District Munsif Court, Erode.

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For Appellants : Mr.Deeraj for Mr.G.RM.Palaniappan

For Respondents : Mr.N.Manokaran (R2)
R1 - died
Mr.Manoj Kumar
Advocate Commissioner

JUDGMENT

When the matter is taken up for hearing, the learned counsel appearing for the appellants submitted that the appellant has instructed him to withdraw this appeal and on instructions, he has filed a memo dated 27.01.2025 to that effect before this Court, which is taken on record.

2. In view of the submissions made and also considering the memo filed by the learned counsel for the appellants, this appeal is dismissed with cost. Despite the Commissioner has been appointed and an order has been passed to pay his fees, but the appellants did not co-operate for the same. All of a sudden, they instructed him to not-press this appeal, after the commissioner has taken the warrant and initiated action to visit the suit property and by attending the Court to make a representation in this regard on more than one occasion. Hence, a cost of Rs.20,000/- is imposed to be payable to the



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Commissioner directly. No costs. Consequently, connected Miscellaneous
Petition is closed.

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30.01.2025

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
Maya

To

1. The Principal Subordinate Judge Court, Erode.
2. The Judge, II Additional District Munsif Court, Erode.
3. The Section Officer,
V.R. Section,
High Court, Madras.



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R.N.MANJULA, J.

Maya

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