



S.A.No.931 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

S.A.No.931 of 2013

1. Kaliyambal
2. Nagarajan

... Defendants 9 & 10/
Appellants

Vs

1. Padmini @ Gandhimathi
2. Vaithiyanathan
3. Vijayarangan Morrthy
4. Murugesan
5. Kalidoss
6. Natarajan
7. Arumugam
8. Sathiyavathy
9. Thilagavathy
10. Balasubramani @ Purushothaman

.. Respondents/
Plaintiff No.1 &
Defendants 2 to 8 & 12

Prayer : Second Appeal is filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree dated 25.02.2013 passed in A.S.No.19 of 2011, on the file of 2nd Additional District Judge, Puducherry, and confirming the judgment and decree, dated 04.02.2011 passed in O.S.No.271 of 2005 by the Principal Subordinate Court, Puducherry.



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For Appellants : Mr.A.Saravanan
for M/s.T.Sai Krishnan

For Respondents : Mr.N.R.Rajagopalan

J U D G M E N T

This second appeal has been preferred by the plaintiff against the Judgment and Decree dated 25.02.2013 passed in A.S.No.19 of 2011 by the 2nd Additional District Court, Puducherry, confirming the Judgment and decree dated 04.02.2011 made in O.S.No.271 of 2009, on the file of the Principal Subordinate Court, Puducherry.

2. It is deduceable seen from the records that the suit was originally filed in O.S.No.271 of 2005 on the file of the Principal Sub Judge, Puducherry seeking for the relief of declaration of 'C' schedule property and for other reliefs. The first respondent viz., Padmini @ Gandhimathi and the said suit was decreed on 04.02.2011. Against which, the defendant Nos.9 and 10 have preferred the first appeal in A.S.No.19 of 2011 on the file of the 2nd Additional District Judge, Puducherry and the said appeal was dismissed on 25.02.2013 by confirming the Judgment and decree dated 04.02.2011



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passed in O.S.No.271 of 2005 by the Principal Sub Judge, Puducherry.

Aggrieved by the same, the defendant Nos.9 and 10 have preferred the present second appeal.

3. It appears that the plaintiff took out execution petition in E.P.No.47 of 2011 in O.S.No.271 of 2005 and the delivery was effected on 06.03.2014 itself and nothing survives in this appeal.

4. The learned counsel appearing for the appellants would submit that memo has been filed today stating that the suit is settled out of court as the delivery of the suit property was effected as early as on 06.03.2024.

5. The said Memo is recorded.

6. Based on the aforesaid observations, as nothing survives for further adjudication in this appeal, this second appeal stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes/No
Speaking / Non-speaking order
kkd



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R.KALAIMATHI, J.,
kkd

To

1. II Additional District Court, Puducherry,
2. The Principal Subordinate Court, Puducherry.

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