



C.M.S.A(MD)No.12 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.10.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.POORNIMA

C.M.S.A.(MD)No.12 of 2019

and

C.M.P.(MD)No.12 of 2019 & 6635 of 2024

Prabhakaran : Appellant/Appellant/Petitioner

Vs.

K.S.Lakshmana Perumal Raja (Died) : 1st Respondent/1st Respondent/
Decree Holder

1.Karuppiah Thevar : 1st Respondent/1st Respondent/
1st Respondent/Judgment Debtor/ Defendant

2.L.Mahadevan

3.L.Rajalingam

4.L.Radhakrishnan

5.P.Ramani : Respondents 2 to 5/ Respondents 2 to 6/
Respondents 3 to 6/ Plaintiffs 3 to 6/
Decree Holders



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PRAYER :- This Civil Miscellaneous Second Appeal is filed under Order 43 Rule 1 r/w section 100 of the Civil Procedure Code, to set aside the judgment and decree dated 11/01/2019 in CMA No.4 of 2010 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in confirming the order and Decreetal order, dated 05/04/2010 in EA No.79 of 2004 in EP No.123 of 2011 on the file of the Subordinate Judge, Srivilliputhur.

For Appellant : Mr.S.Ramesh

For Respondent : Mr.A.Balaji – R2 to R5

JUDGMENT

The appellant is the purchaser of the suit property which was attached before Judgment in O.S.No.302 of 1999 in I.A.No.1508 of 1999. The suit property has already been attached. Subsequently, O.S.No.302 of 1999 filed by Lakshmana Perumal Raja who has lend money to the vendor of the appellant and subsequently, the suit decreed on 11.08.2000. Subsequently, the said Lakshmana Perumal Raja filed E.P.No.123 of 2001 for sale of the property. In the mean time, the appellant purchased the property during the pendency of the E.P.No.123 of 2001 and thereafter, he filed E.A.No.79 of 2004 for raising the attachment which



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was dismissed by the trial Court, against which, he preferred the Civil Miscellaneous Appeal which was also dismissed by the first appellate Court. Aggrieved by which, the appellant preferred the present Civil Miscellaneous Second Appeal.

2. The learned counsel for the appellant as well as respondents stated that the matter has already been settled before the mediation and the appellant paid a sum of Rs.42,00,000/- as full quit to the respondents who are the legal heirs of Lakshmana Perumal Raja and he also filed a mediation report. He further prayed that since the matter has already been settled between the parties out of Court, he would workout his remedy before the trial Court.

3. The learned counsel for the appellant further submitted that the matter has already been settled out of Court and as such nothing survives in this Civil Miscellaneous Appeal.

4. In view of the submission made by the learned counsel for the appellant as well as the respondents, this Civil Miscellaneous Second Appeal is dismissed as settled out of Court. The Registry is directed to



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refund the Court fee, as per law. The parties are at liberty to workout

their remedy before the trial Court/Executing Court. No costs.

Consequently, connected Miscellaneous Petitions are also closed.

24.10.2025

Index : Yes / No

NCC : Yes / No

RM



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To

1. The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur

2. The Subordinate Judge,
Srivilliputhur.

Copy to

1. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

RM

Judgment in
C.M.S.A.(MD)No.12 of 2019

24.10.2025