



SA(MD)No.201 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ARUL MURUGAN

S.A.(MD)No.201 of 2019

Yaswanth Sakar

... Appellant / Appellant / Plaintiff

Vs

Rajkumar (Died)

2.Vasuki

3.Keerthika

(R2 and R3 are brought on record as
LRs of the deceased sole respondent

vide Court order dated 15.03.2024)

...Respondents / Respondent / Defendant

Prayer : This Second Appeal is filed under Section 100 C.P.C., against the judgment and decree dated 23.01.2019 made in A.S.No.77 of 2015 on the file of the Principal Sub Court, Kumbakonam, Thanjavur District, confirming the judgment and decree passed dated 09.10.2015 made in O.S.No.12 of 2014 on the file of the learned Principal District Munsif Court, Kumbakonam, Thanjavur District.



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For Appellant

: Mr.G.Gomathi Shankar

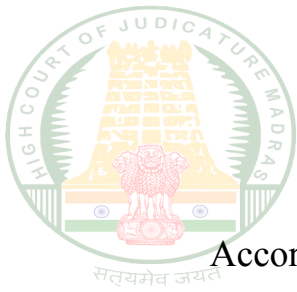
For R2 and R3

: Mr.R.J.Karthick

JUDGMENT

The unsuccessful plaintiff is before this Court on appeal. The Second Appeal is filed challenging the judgment and decree dated 23.01.2019 made in A.S.No.77 of 2015 on the file of the Principal Sub Court, Kumbakonam, Thanjavur District, confirming the judgment and decree passed dated 09.10.2015 made in O.S.No.12 of 2014 on the file of the learned Principal District Munsif Court, Kumbakonam, Thanjavur District.

2. Learned counsel for the appellant submits that the appellant had originally filed a suit in O.S.No.12 of 2014 seeking for injunction as against the defendant. According to him, the defendant who was appointed as a Makkandar of Somalinga Thaikkal of the suit property, got converted and therefore, lost the right of being the Makkandar.



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According to him, since the plaintiff was appointed as Makkandar and the defendant was interfering with the right, they have come up with the suit. However the suit came to be dismissed and the first appeal was also dismissed and pending Second Appeal, the defendant had died. The legal heirs of the defendant had been brought on record as respondents 2 and 3.

3. Learned counsel for the respondents submitted that the respondents have nothing to do with the suit claim as now one Prithvi Raj has been appointed as Makkandar and he is the incharge of the Somalinga Thaikkal. If at all the plaintiff is having any grievance, he has to seek the relief only against the newly appointed Makkandar.

4. Learned counsel for the appellant in view of the submission made, submitted that the Second Appeal as such as has become infructuous and seeks to work out his remedies in the manner known to law against the rightful person.



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5. Recording the submission, this Second Appeal is dismissed as infructuous. However, there shall be no order as to costs.

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NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

1. The Principal Sub Court, Kumbakonam, Thanjavur District.
2. The Principal District Munsif Court, Kumbakonam, Thanjavur District.
3. The Section Officer, VR Section, Madurai Bench of Madras High Court, Madurai.



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G.ARUL MURUGAN, J.

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