



A.S(MD)No.65 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

A.S(MD)No.65 of 2021

- 1.S.Nagoor Ghani
- 2.Rasheetha Begam
- 3.N.Fathima
- 4.N.Muthu
- 5.N.Nisha
- 6.N.Shahul Hameed
- 7.Amir Ghani
- 8.Mookkammal

... Appellants/defendants 1 to 8

(Cause title accepted vide Court order
dated 15.12.2020 made in C.M.P(MD)No.6715 of 2020
in A.S(MD)SR.No.35092 of 2020 by MGRJ)

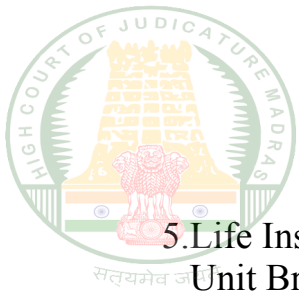
v.

- 1.Tajunnisa Begum
- 2.Minor K.Osama
- 3.Minor K.Adul

(2nd and 3rd minor respondents are represented by
their mother/first respondent Tajunnisa)

... Respondents 1 to 3/Plaintiffs

- 4.Life Insurance Corporation of India,
Divisional Office, Thanjavur.



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5.Life Insurance Corporation of India,
Unit Branch, Tiruchirappalli.

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6.Indian Overseas Bank,
Vayalur Road Branch,
Tiruchirappalli.

7.Indian Overseas Bank,
Main Guard Branch,
Tiruchirappalli.

8.Vijaya Bank,
Salai Road Branch,
Tiruchirappalli.

9.Bank of Maharastra,
Chinnakadai Street Branch,
Tiruchirappalli.

10.John Moses

11.Sumi Colour Galaxy

12.Reliable Gas Service,
No.10E/3, Sastiri Road,
Tennur, Tiruchy,
By its Partners APK Moorthy & APK Ashok

13.M/s.T.T.K.Prestige Limited,
Chinthamani, Tiruchirappalli.

14.Victor

15.Masi

16.Muthu

17.Pitchaiammal

18.Pattayathar

19.Periyasamy

20.Mayavan

21.Alagesan

22.Prakash

... Respondents 4 to 22/
Defendants 9 to 27



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PRAYER: Appeal filed under Order XVI and Section 96 of C.P.C., against the

Ist item of “A” Schedule property of the judgment and decree dated 20.12.2012

made in O.S.No.28 of 2008 on the file of the learned II Additional District and

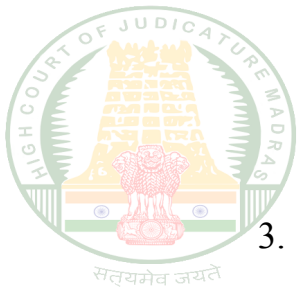
Sessions Judge, Tiruchirappalli.

For Appellants	: Mr.J.Anandkumar
For R-1 to R-3	: Mr.N.Sudhakar Nagaraj
For R-4 & R-5	: Mr.C.Godwin
For R-8	: Mr.L.S.M.Mohamed Kader
For R-7 & 20	: No Appearance

JUDGMENT

This appeal is filed challenging the judgment and decree dated 20.12.2012 made in O.S.No.28 of 2008 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli, in respect of Ist item of “A” Schedule property.

2. It is seen that as against the very same judgment and decree dated 20.12.2012 made in O.S.No.28 of 2008 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli, the plaintiffs filed an appeal in A.S(MD)No.90 of 2013 and the said appeal was allowed in part by a Division Bench of this Court, vide judgment dated 27.10.2022.



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3. In view of the same, the matter is listed today under the caption 'for clarification'.

4. When the matter is taken up for hearing today, the learned counsel appearing for the appellants would submit that already the appellants have filed a clarification petition before the Division Bench of this Court and the same is pending.

5. However, this Court is of the view that since the Division Bench has dealt with the matter and disposed of the appeal in A.S(MD)No.90 of 2013, this matter is covered by the said judgment.

6. Hence, this appeal is closed. No Costs. The appellants are at liberty to re-open the case subject to the outcome of the pending Civil Miscellaneous Petition before the Division Bench.

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Index: Yes/No
NCC: Yes/No
PM



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To

1.The II Additional District and Sessions Judge,
Tiruchirappalli.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

PM

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