

AS(MD). No.55 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE Mr.JUSTICE R.VIJAYAKUMAR

**AS. (MD). No.55 of 2014
and MP(MD) No.1 of 2014**

T.R.Mohan

... Appellant

Vs

**1.Chitra
2.Mithra
3.N.Kogil
4.N.Suruthi
5.K.Selva Yogeswaran
6.K.Rathina Rahul**

... Respondents

**PRAYER :-Appeal suit filed under section 96 of the Code of Civil
Procedure against the judgment and decree dated 01.08.2012 in OS No.
89 of 2007 on the file of the V Additional District Judge, Madurai.**

For Appellant : Mr.V.Muthukamatchi

**For Respondents : Mr.P.Subbiah for R2
No appearance for R1**



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JUDGMENT

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(Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.)

On 03.09.2025, we had recorded the facts as follows:

“The plaintiff in O.S.No.89 of 2007 on the file of the V Additional District Court, Madurai, is the appellant herein. He had filed the suit seeking partition and separate possession of the suit schedule properties, and also for a declaration that the settlement deed executed by his wife, Chandra, in favour of the defendants 3 to 6 (his grandchildren) on 29.12.2004, as null and void.

2. The defendants 1 and 2 are the daughters of the plaintiff.

3. The suit was dismissed on 01.08.2012. Since the properties stood in the name of his wife Chandra, it was held that she had every right to execute the settlement deed in favour of her daughters.

4. It is informed that, pending the first appeal, the appellant/plaintiff passed away on 22.12.2021. His only legal heirs are his two daughters viz., the defendants 1 and 2, as his wife had predeceased him. The beneficiaries under the settlement deed are his grandchildren, who are the respondents 3 to 6 / defendants 3 to 6. In view of the same, the relief sought in the suit has abated, as the right



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to sue does not survive.

5. The learned counsel for the appellant seeks time to verify the information regarding the death of the appellant.”

The learned counsel for the appellant sought time to verify the information regarding the death of the appellant.

2. Today, the death certificate of the appellant had also been produced, which shows that he had died on 22.12.2021.

3. In view of the above facts, nothing survives for adjudication. The appeal suit stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[C.V.K,J]

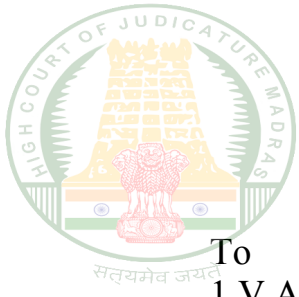
[R.V,J]

18.09.2025

NCC : Yes/No

Index : Yes/No

RR



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To

1.V Additional District Judge, Madurai.

2.VR Section

Madurai Bench of Madras High Court,
Madurai.

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C.V.KARTHIKEYAN J.
AND
R.VIJAYAKUMAR, J.

RR

ORDER
IN
AS(MD) No.55 of 2014

Date : 18.09.2025