



WEB COPY



**AS(MD)No.175 of 2016**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

AS(MD) NO. 175 of 2016

Esakki Durai

Appellant/4<sup>th</sup> Defendant

Vs

1.Janakiraman  
2.Sankaranarayanan  
3.Gandhi  
4.Gomathy  
5.Subbrayalu  
6.Alwar  
7.Manthiram  
8.Sadam Hussain  
9.Hameedha Banu

...Respondents 1 to 4/Plaintiffs

..Respondents 5 to 9/Defendants 1, 2, 3, 5 & 6

**Prayer:** This appeal is filed under Order 41 Rule 1 & 2 r/w Section 96 of the Code of Civil Procedure against the Decree and Judgement passed in O.S.No. 61 of 2012 dated 29.01.2016 on the file of the 3<sup>rd</sup> Additional District Court, Tirunelveli.

|               |                 |
|---------------|-----------------|
| For Appellant | : Mr.T.Selvan   |
| For R8 & R9   | : Mr.H.Arumugam |
| For R4 & R7   | : No appearance |



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## **JUDGMENT**

**WEB COPY** (Judgment of the Court was made by C.V.KARTHIKEYAN., J.)

The fourth defendant in O.S.No.61 of 2012 on the file of the III Additional District Judge, Tirunelveli, has filed the present appeal aggrieved by the judgment dated 29.01.2016.

2. It is contended that pending the appeal, the respondents 1 to 4, who are the plaintiffs/their legal representatives have sold the suit schedule property to the appellant/the fourth defendant vide registered sale deed dated 23.03.2023 registered as Doc.No.508/2023 in the office of the Sub Registrar, Munanjipatti, Tirunelveli District. Additionally, it is also informed that the respondents 3, 5 and 6 have died and their legal representatives have not been brought on record.

3. In view of the above, this appeal suit stands dismissed as abated.

No costs.

**(C.V.K., J.)                      (R.V., J)**  
**27.10.2025**

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To,

1. 3<sup>rd</sup> Additional District Court, Tirunelveli.



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**C.V.KARTHIKEYAN., J.  
and  
R.VIJAYAKUMAR., J.**

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