



A.S.(MD)No.152 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

A.S.(MD)No.152 of 2018

Jeganathan (Died)

1. Nagavalli

2. Sathiya

3. Soundariya

4.Saranya

... Appellants

-VS-

Rukmani

... Respondent

PRAYER: Appeal Suit filed under Section 96 of C.P.C against the decree and judgment dated 16.09.2016 made in O.S.No.52 of 2015 on the file of the learned II Additional District Judge, Thoothukudi.

For Appellants : Mr.Ramsundarvijayaraj

For Respondent : Mr.S.Kadarkarai



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JUDGMENT

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

This Appeal Suit had been filed by the first defendant against the judgment and preliminary decree in O.S.No.52 of 2015, dated 16.09.2016 by II Additional District Judge, Thoothukudi. The said suit had been filed seeking partition and separate possession of half share with respect to the suit schedule properties by the respondent. A preliminary decree came to be passed on 16.09.2016. Challenging that preliminary decree, the first defendant had filed the present appeal. Pending the appeal, the appellant died and his legal representatives have been brought on record.

2. We are now informed that subsequent to the passing of the preliminary decree, final decree had also been passed in I.A.No.1 of 2021 on 11.09.2021. Once a final decree has been passed, the challenge to the preliminary decree gets submerged and would not be of any avail to the appellants herein.



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3. In view of the same, this Appeal Suit stands dismissed.

There shall be no order as to costs.

[C.V.K., J.] [R.V., J.]
24.10.2025

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

To

1. II Additional District Judge, Thoothukudi.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court.



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

vsm

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