



S.A(MD)No.1199 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

S.A(MD)No.1199 of 2005

Habeebulla

... Appellant/Appellant
2nd Defendant

Vs.

1.Moosalammal

... 1st Respondent/1st Respondent
Plaintiff

2.Saliya Beevi

... 2nd Respondent/2nd Respondent
1st Defendant

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.109 of 2003 on the file of the Additional Sub Court, Dindigul, dated 09.07.2004 confirming the judgment and decree passed in O.S.No.13 of 1999 on the file of the District Munsif Court, Nilakottai, dated 15.11.2002.

For Appellant : Mr.M.Mohamed Ibrahim Saibu
for M/s.Ajmal Associates

For R-1 : Mr.PT.S.Narendra Vasan

For R-2 : Mr.D.Venkatesh



S.A(MD)No.1199 of 2005

WEB COPY

JUDGMENT

The second defendant in O.S.No.13 of 1999 on the file of the District Munsif Court, Nilakottai has filed the present Second Appeal challenging the concurrent findings.

2. The first respondent herein has filed the above said suit for the relief of declaration of title and recovery of possession. The suit was decreed by the Trial Court on 15.11.2002. The second defendant had filed A.S.No.109 of 2003 before the Additional Sub Court, Dindigul. The plaintiff had filed a Cross Objection challenging the rejection of past mesne profits. The First Appellate Court dismissed the appeal filed by the second defendant and allowed the Cross Objection filed by the plaintiff. Challenging the same, the present Second Appeal has been filed by the second defendant.

3. Pending Second Appeal, the first respondent / plaintiff had passed away in the year 2007 leaving behind the second respondent / first defendant as her only legal heir. The second respondent had also passed away in the year 2023 leaving behind the appellant / second respondent



S.A(MD)No.1199 of 2005

as her only legal heir.

WEB COPY

4. The learned Counsel appearing for the appellant has filed a Memo on 14.12.2023 to the effect that he is the sole legal heir of both the deceased respondents and the same may be recorded.

5. The Memo is taken on record and the Second Appeal stands closed. There shall be no order as to costs.

26.06.2025

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

To

- 1.The Additional Sub Court,
Dindigul.
- 2.The District Munsif Court,
Nilakottai.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A(MD)No.1199 of 2005

R.VIJAYAKUMAR, J.

BTR

Judgment made in
S.A(MD)No.1199 of 2005

Dated:
26.06.2025