



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-06-2026**

CORAM

**THE HON'BLE MRS.JUSTICE N. MALA**

**SA No. 702 of 2010**

Sezhian,  
S/o.Nagarathinam Pillai,  
Puthakaram Village,  
Thiruvalaputhur Post,  
Mayiladuthurai Taluk.

..Appellant(s)

Vs

1. Durai Panner(died)  
S/o.Duraiappan, Puthakaram Village,  
Thiruvalaputhur Post,  
Mayiladuthurai Taluk.
2. Ponnusamy,  
S/o.Perumal, Puthakaram Village,  
Thiruvalaputhur Post,  
Mayiladuthurai Taluk.
3. Sivakamasundari  
W/o. late Durai Paneer,
4. Arul Selvaguru  
S/o. late Durai Panneer,
5. Durgadevi  
D/o. Late Durai Paneer,  
Rr3 to5 are Residing at  
Mandhavelli Street, Puthakaram Village,  
Thiruvalaputhur Post, Mayiladuthurai Taluk,  
Nagapattiniam District.

R3 to 5 brought on record as LR's of the  
deceased 1<sup>st</sup> Respondent vide order of the Court  
dated 12/02/2020 made in CMP.3130, 3131 &  
3133/2020 in SA.702/2020

..Respondent(s)



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Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree of the learned Principal Subordinate Judge, Mayiladuthurai made in A.S.No.49 of 2009 dated 06.01.2010 confirming the judgment and decree of the learned Principal District Munsif, Mayiladuthurai dated 23.04.2009 made in O.S.No.218 of 2008.

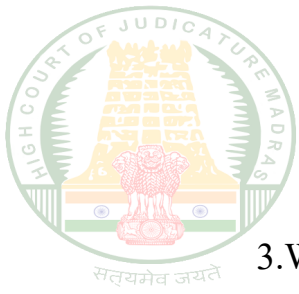
For Appellant(s): Mr.R.Balakrishnan

For Respondent(s): R1 - Died  
Mr.S.Sadasharam  
for R2  
R3 to R5 – No appearance

### **JUDGMENT**

Second Appeal is filed against the judgment and decree of the lower Appellate Court in A.S.No.49 of 2009 dated 06.01.2010, confirming the judgment and decree of the trial Court in O.S.No.218 of 2008 dated 23.04.2009.

2.The appellant as a lessee, filed the suit for permanent injunction restraining the respondents from interfering with his peaceful possession and enjoyment of the suit properties. After full fledged trial, the suit was dismissed, against which, the appellant filed an appeal in A.S.No.49/2009. The lower Appellate Court after elaborate appraisal of the pleadings and evidence on record, confirmed the judgment and decree of the trial Court. Challenging the same, the appellant has filed the above second appeal.



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3. When the matter was taken up hearing on 12.06.2026, the learned counsel for the appellant sought time to get instructions as to whether the appellant continued in possession as lessee of the respondents. Thereafter, the matter was adjourned to 15.06.2026, at counsel's request.

4. Today, when the matter is taken up for hearing, the learned counsel for the appellant on instructions submitted that the appellant is not in possession of the suit property. The learned counsel therefore submitted that nothing survives for further adjudication in the second appeal and he has also made an endorsement to that effect.

In view of the endorsement and submissions made by the learned counsel for the appellant, the second appeal is dismissed as infructuous. No costs.

**22-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
dsn



SA No. 702 of 2



**N.MALA J.**

dsn

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To

1.The Principal Subordinate Judge,  
Mayiladuthurai.

2.The Principal District Munsif,  
Mayiladuthurai.

**SA No. 702 of 2010**

**22-06-2026**