



S.A.No.794 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A.No.794 of 2021

V.Karunanithi
S/o.Venkatesan

... Appellant

Vs.

1.K.Santhi
W/o.Late Kumanan

2.Jothipriya
D/o.Late Kumanan

3.Badmasri Lakshmi
D/o.Late Kumanan

4.N.Revathi
W/o.Natarajaperumal

5.G.Nirmala
W/o.Gunasekaran

...Respondents

Prayer: Second Appeal filed under Section 100 of C.P.C., praying to set aside the Judgment and Decree dated 04.07.2018 made in A.S.No.7 of 2015 on the file of the Additional District Court, Namakkal confirming the Judgment and Decree dated 30.08.2013 made in O.S.No.217 of 2008

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on the file of the Sub-Court, Tiruchengode by allowing this Second Appeal.

For Appellant : Mr.D.Gopal

For Respondents : Mr.B.Mohan for R1 to R3

Mr.S.Shanmugam for R4 & R5

Mr.R.Vivek
Advocate Commissioner

ORDER

When the matter was taken up for hearing, the learned Advocate Commissioner reported that although notice had been issued to both parties, the appellant replied stating his absence from town for a week; consequently, the Commissioner was unable to execute the warrant.

2.This Court dismissed the appeal on 09.01.2026, finding no merit after a full consideration of the facts. The Court expresses its strong dissatisfaction with the conduct of the appellant, an Advocate by profession, who has shown an unwillingness to settle the dispute or restore the property to the respondents, who are the widow and minor daughters of the appellant's late brother, Kumanan. As the appeal stands dismissed as stated supra, the warrant issued to the Advocate Commissioner is hereby withdrawn. Liberty is granted to the respondents

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to initiate execution proceedings for the final decree before the competent Court. If any such application is filed, the Trial Court is directed to dispose of the same within a period of three months.

3.Since the respondents have already paid the Advocate Commissioner's fee, the appellant is directed to pay a sum of Rs. 25,000/- towards the Advocate Commissioner's fee.

25.02.2026

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To

- 1.The Additional District Court, Namakkal.
- 2.The Sub-Court, Tiruchengode.



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T.V.THAMILSELVI, J.

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