

**BEFORE THE PRINCIPAL DISTRICT COURT
VELLORE DISTRICT**

Present:- Dr.P.Murugan, Ph.D. (Law)
Principal District Judge
(J.O.Code - TN1793)

Friday, the 9th day of August, 2024

A.S.No.7 of 2020
CNR.No.TNVL01-002320-2020

1. P. Rajinikanth, aged 52 years, S/o.(Late) V.P.Panneerselvam,
2. V.P. Vijayakumar, aged 48 years, S/o.(Late) V.P.Panneerselvam,
3. P. Umadevi, aged 68 years, W/o.(Late) V.P.Panneerselvam,

All are Hindus, residing at No.2/99-Z-3, Arni road,
Virupatchipuram, Vellore – 632 002, Vellore District.

. . . Appellants

-vs-

1. Sadasivam, aged 46 years, S/o.Rukku, Hindu, residing at II
Kulavimedu Village, Virupatchipuram Post, Vellore – 632 002,
Vellore District.
2. Chinnakannu (Died)
3. K. Duraikannu, aged 58 years, S/o.Kadirvelu Goundar, Hindu,
residing at Old Tole Shop, Arni road, Virupatchipuram, Vellore
– 632 002, Vellore District.
4. S. Ganesan, aged 78 years, S/o.Subbaraya Pillai, Hindu,
residing at No.1/69, Nadu Street, Palavansathu Village and
Post, Vellore Taluk, Vellore District.
5. Chinnaraj,

. . . Respondents

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On appeal against the judgment and decree in
O.S.No.45 of 2004 dated 11.03.2020 passed by the
Additional Subordinate Judge, Vellore.

Between

1. P. Rajinikanth
2. V.P. Vijayakumar
3. P. Umadevi . . . Plaintiffs

and

1. Sadasivam
2. Chinnakannu (Died)
3. K. Duraikannu
4. S. Ganesan
5. Chinnaraj . . . Defendants

(D5 is added as per Order in
I.A.No.39/2006, dated 04.12.2006)

The appellant filed the appeal suit under Order XLI Rule 1 and
Section 96 of CPC to set aside the judgment and decree in O.S.No.45
of 2004, dated 11.03.2020 passed by the Additional Subordinate
Judge, Vellore.

Memorandum of Appeal presented	: 01.10.2020
Memorandum of Appeal filed	: 06.10.2020
Total value of the appeal	: Rs.2000/- (Rs.1000/- Rs.1000/- = 2000/-)
Nature of Appeal suit	: Suit for permanent injunction
Court fee paid u/S.	: 27(c) r/w 52 of TNCF (Amended) Act
Court fee paid	: Rs.60/- (Rs.30/-+30/-=Rs.60/-)

This appeal suit was coming before me today for hearing in the presence of Thiru.A. Kamalanathan and Thiru.V.Sudhakar, counsels for the appellant and, of Thiru.R.Lakshminarayanan and Thiru.B.Palanisamy, counsels for the 1st, 3rd and 4th respondents, 5th respondent called absent and set exparte on 23.06.2022 and memo filed by the appellants stating that R4 is dead and steps for R4 not taken since 08.03.2023, this appeal as against R4 is abated, when the case was posted for steps to amend the appeal memorandum, A1 present, steps not filed and upon perusing the entire case records, this court passes the following:-

DECREE

- (i) that the appeal do thus hereby dismissed for default;
and
- (ii) that there be no cost.

SCHEDULE OF PROPERTIES

Vellore District, Vellore Taluk in Virupatchipuram, Palavansathu Village,

1. Dry S.No.95/1B measuring 0.46 cents.
Bounded on the West by Arni road, East by the property of Kadirvelu, North by the property of Chinnappa and South by the property of Kadirvelu
2. Dry S.No.93/1B measuring 0.04 cents. Kist Rs.0.50
Bounded on the West by Arni road, East by the property of Vadivelu, South by the property of Kadirvelu and North by the property of Chinnappa.
3. Dry S.No.95/2 Acre 0.44 Kist Rs.3.00
Bounded on the West by common way leading from Arni road, South by the property of Panneerselvam, North by the property of Kadirvelu and common kalam and East by the property of Panneerselvam and S.No.95/3 excluding the house constructed in the same bearing the door No.2/88-Z-3.

Given under my hand and the seal of this court, this the 9th day of August, 2024.

Principal District Judge
Vellore