



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2026

CORAM

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THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

S.A.No. 1418 of 2007

1.R.P.Palanivel
S/o.Perianna Mudaliar
No.67, Sampath Nagar
Erode – 11.

2.P.Velmurugan
S/o.Perumal
No.67-A, Sampath Nagar
Erode-11.

3.S.Natesan
S/o.Sengoda Gounder
No.69, Sampath Nagar,
Erode-11.

4.Kuppayammal @ Kuppayi
W/o.Late.Natesan
Marappatti
Mallasamudram
Thiruchengode Taluk.
Salem District.

5.C.Myleru Ravindran
S/o.Chinnaraj
No.70, Sampath Nagar
Erode-11.

6.Nagarajan
S/o.Vaiyapuri Mudaliar
No.192, Madhavakrishna Street
Erode – 638 001.



7.Radha
W/o.Nagarajan
No.192, Madhavakrishna Street
Erode – 638 001.

...Appellants

Versus

1.Jayanthi
W/o.Kailasam
Melorathai
Punjai Thottakurichi Village
Karur Taluk

2.Sakunthalamani (Died)
W/o.Subramani
No.7, Pavadai Street,
Erode-1.
(Respondent No.2 died, recorded vide
Court order dated April 07, 2026 made in
S.A.No. 1418 of 2007)

3.Saroja
W/o. Shanmughasundaram
No.77, Chinnamuthu Street
S.K.Valasu
Erode-11.

4.R.Subramaniam
S/o.Palanisamy Gounder
Panappalayam
Unjalur-638 152
Erode Taluk.

5.Mangayarkarasi
W/o.Chandrasekaran
No.22, Sampath Nagar
Erode-11.



6.Sukumari
W/o.Lokanathan

7.A.Lokanathan
S/o.Arthanari Mudaliar

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(Respondents 6 & 7 are residing
at No.17, Thillai Nagar, Erode).

8.M.Kannammal
W/o.Late.Murugaiyan

9.M.Karthikeyan
S/o.Late.Murugaiyan

10.Saraswathi
W/o.Vasudevan

(Respondents 8 to 10 are residing
at No.27, Chinnamuthu Street,
Erode – 11).

(Respondents 3 to 7 and 10 set
ex-parte and hence, given up)

11.C.S.Satish Kumar,
S/o.C.Subramaniam
A-34, Sampath Nagar,
TNHB, Erode-638 011.

(R11 impleaded as 11th Respondent
vide order of Court dated February 17,
2021 made in CMP.No. 20562 of 2019
in S.A.No. 1418 of 2007).

12.Mahesh Kumar
S/o.Krishnasamy
No.9/3, East Club Road
Shenoy Nagar, Chennai.

(Respondent No.12 impleaded as
Respondent vide Court order dated
July 13, 2021 made in CMP.No.6170
of 2021 in S.A.No. 1418 of 2007).



Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908 praying to set aside the judgment and decree dated June 21, 2007 made in A.S.No.53 of 2006 on the file of Principal District Judge, Erode District confirming the judgment and decree dated November 21, 2005 made in O.S.No. 542 of 1996 on the file of II Additional Subordinate Judge, Erode.

For Appellants : Mr.R.P.Ruban Chakravarthy
For Mr.S.Kaithamalai Kumaran

For Respondent No.1: Ms.S.Varsheethaa
For Mr.K.S.Jeyaganeshan,

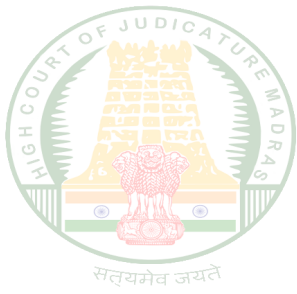
ORDER

Mr.R.P.Ruban Chakravarthy, representing Mr.S.Kaithamalai Kumaran, Counsel on record for the Appellants and Ms.S.Varsheethaa, representing Mr.K.S.Jeyaganeshan, Counsel on record for the Respondent No.1 are before the Court.

2.The daily order dated **April 7, 2026** which reads thus:-

*Mr.I.Pragadeesh, representing
Mr.S.Kaithamalai Kumaran, Counsel on record for
the appellants and Ms.K.Sowndarya, representing
Mr.K.S.Jeyaganeshan, Counsel on record for the first
respondent are before the Court.*

*2.Representing Counsel for the appellants
submits that the second respondent viz.,
Sakunthalamani, passed away on January 18, 2014.*



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3.This Court has perused the case file. The factum of death of the second respondent viz., Sakunthalamani, was recorded by this Court on February 5, 2024. Registry shall record the factum of death of the second respondent in the Memorandum of Grounds of Appeal (i.e., in the cause title).

4.Issue fresh notice to the 12th respondent through Court and Post with correct address returnable by 03.06.2026. In addition, private notice with RPAD is permitted.

5.The appellants shall file proper batta memo within five working days from today, failing which, the Second Appeal qua the 12th respondent will be dismissed automatically without any further reference to this Court.

6.List the matter on 03.06.2026”.

3.Despite specific order dated April 7, 2026, the Appellants did not file a proper batta memo for the Respondent No.12.

4.Accordingly, this Second Appeal is dismissed against the Respondent No.12.

5.List the Second Appeal on June 24, 2026.

03.06.2026

MSM



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R.SAKTHIVEL, J

MSM

S.A.No. 1418 of 2007

03.06.2026