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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

SA No. 1925 of 2004

AND

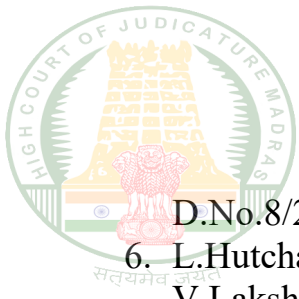
CMP NO. 15729 OF 2004

1. Hutchan @ Kenchan(Died)
S/o Late Venkattan C/o Usha
Bananna Mandi, B.M.Road,
Kushal Nagar, Karnataka State
2. Nirmala Sampath
W/o. S.V. Sampath Kumar,
D/o. Late, Hutchan @ Kenchan,
No.684, 4th Main Road,
12th Cross BHEL Layout 2nd Stage
Behind Janaakshi School,
Pattanagere, RR Nagar,
Bengaluru – 560 098.

.. Appellant/Appellant/
1st Defendant

Vs.

1. Susheela
W/o Late Puttuswamy
 2. P.Kantharaj
S/o Late Puttuswamy
 3. Minor. Rupa
D/o Late Puttuswamy
 4. Minor.Deepa
D/o Late Puttuswamy
R1 To R4 Residing at D.No.8/254 Ketti Village and Post,
Coonoor Taluk, The Nilgiris.
- .. Respondents 1 to 4/Respondents/
Plaintiffs
- (Minors 3 & 4 represented by
mother and next friend Susheela, 1st respondent.)
5. V.Rangan
S/o Late Venkattan



D.No.8/255 Ketti Village and Post, The Nilgiris.

6. L.Hutchan @ Dodraj

V.Lakshmanan,

D.No.7/24, Yellanalli Needle Industries Post, The Nilgiris.

7. L.Natraj

S/o Late V.Lakshmanan

D.No.7/24, Yellanalli,
Needle Industries Post,
The Nilgiris.

8. Sarasu

W/o Late. Nanjundan

9. N.Rajesh

S/o Late Nanjundan

10.N.Anand

S/o Late Nanjundan

11.Minor.N.Pradeep

S/o Late Nanjundan

(R8 To 11 D.No.7/24, Yellanalli,
Needle Industries Post, The Nilgiris.)

(Rep.by mother and next friend Sarasu
W/o.Late.Nanjundan, 8th respondent)

12.Lakshmi

W/o Late Nanjundan

13.N.Moorthy

S/o Late Nanjundan

14.N.Mahesh

S/o Late Nanjundan

15.N.Rajkumar S/o Late Nanjundan

R12 to R15 are residing at D.No.7/26,
Ketti Village and Post, The Nilgiris.

16.Thulasi W/o Venkittan

D.No.8/235, Ketti Village and Post,
The Nilgiris.

.. Respondents/Respondents 5 to 16/
Defendants 2 to 13

17.Rani Rajan @ Jayalakshmi

W/o. S. Thiruvenkatam,
D.No.4, 1st Main Road,
Officers Colony, Adambakkam,
Chennai – 88.

.. 17th Respondent



(17th respondent impleaded as party respondent
vide order of Court dated 05.01.2007 made
in CMP.No.15980 of 2005)

18.Lakshmi

W/o. Late Hutchan @ Kenchan,
No.8/112A, Lakshmi Nagar,
Masinagudi - Udhagai Village, The Nilgiris.

19.H. Raju

S/o. Late Hutchan @ Kenchan,
No.7/19 (Front), Needle Industries Post,
Yellanaahalli, Ketti Valley, The Nilgiris – 643 243.

20.H. Vijayaraj

S/o. Late. Hutchan @ Kenchan,
No.7/19 (Back), Needle Industries Post,
Yellanaahalli, Ketti Valley, The Nilgiris - 643 243.

21.L. Sanjeev

S/o. Late K. Lingam,
Garudana Ukkada, K. Shetiiahalli Post,
Mandya – 807.

. Respondents 18 to 21/L.R's
of deceased sole appellant

(Sole appellant died, A2 and R18 to 21
are brought on record as LR's of the deceased
sole appellant vide Court Order dated 25/10/2024
made in CMP.Nos.16353,16358 and 16360 of 2024
in S.A.No.1925 of 2004)

22.N.Sundar

S/o Late Nanjundaiah,

23.Gomathi Sundar

W/o N.Sundar

(R22 and R23 are residing at 134/B,
Pudumund, Ootacamund, The Nilgiris.

(R22 and 23 are impleaded Vide Court
Order Dated 14.11.2024 made in

CMP.No. 10080/2016 in S.A.No. 1925/2004)

..Respondent 22 & 23

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure,
1908 praying to set aside the Judgment and Decree dated March 23, 2004 made in



A.S.No.71 of 2003 on the file of the District Court, Nilgiris , Udhagamandalam,
reversing the Judgment and Decree dated September 26, 2003 made in O.S.No.189
of 1998 on the file of the Sub Court, Udhagamandalam.

For Appellant(s) : Mr.G.Santhanu
for Mr.T.L.Thirumalai Samy

For R1 to R4 : Mr.K.J.Rebello

For R6 to R11 : Mr.V.Srinivasan

For R5, R12 to R15 & R17 : No Appearance

For R16 : Dismissed

For R19 & R20 : Ms.Jeeva Dharshini
for M/s.Thanga Vadhana Balakrishnan

For R18 & R21 : Fresh notice ordered dated 13.03.2026
AOS not filed

For R22 & R23 : Mr.K.Rajkumar
for Mr.R.Bharath Kumar

JUDGMENT

This Second Appeal has been filed praying to set aside the Judgment and Decree dated March 23, 2004 made in A.S.No.71 of 2003 on the file of the District Court of Nilgiris at Udhagamandalam, reversing the Judgment and Decree dated September 26, 2003 made in O.S.No.189 of 1998 on the file of the Sub Court, Udhagamandalam.

2. Mr.G.Santhanu, representing, Mr.T.L.Thirumalai Samy, Counsel on record for the Appellant and Ms.Jeeva Dharshini, representing, M/s.Thanga Vadhana



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Balakrishnan, Counsel on record for R19 and R20 are before this Court and Mr.K.Rajkumar, representing Mr.R.Bharath Kumar, Counsel on record for R22 and R23 is before this Court through Video Conferencing Mode.

3. No Representation for R1 to R4, R6 to R11 and other respondents.

4. Today, when the matter came up for hearing, Mr.G.Santhanu, representing Mr.T.L.Thirumalai Samy, Counsel on record for the Appellant seeks permission of this Court to withdraw the Second Appeal and he has also made an endorsement to that effect, in the case file and a scanned reproduction of the same is as follows:

24845/07
NILGRIS: DISTRICT
IN THE HIGH COURT OF JUDICATURE AT CHENNAI (Appellate Side Jurisdiction)

S.A. 1925/2004

Hutchan @ Kenchan
... Appellant

VERSUS

Susheela and 15 others
... Respondents

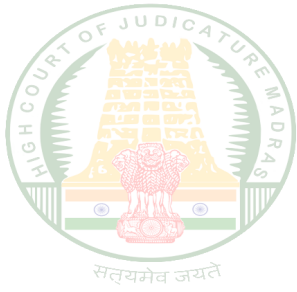
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M/S. S.D.BALAJI
JAYASHREE BALAJI
COUNSELS FOR THE APPELLANT

The appellant may be permitted to withdraw the appeal in SA.No. 1925/2004.

G. SANTHANU
(M.P. 531/2021)
Counsel for Appellant.
9585199965.



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R.SAKTHIVEL, J.

KKD

5. In view of the endorsement made by the learned Counsel for the appellant, this Second Appeal is dismissed as withdrawn. Consequently, connected Civil Miscellaneous Petition is closed. Considering the facts and circumstances of the case, there shall be no order as to costs.

04.06.2026

KKD

To

1. The District Court of Nilgiris at Udhamandalam,
2. The Subordinate Court, Udhagamandalam.

S.A.No.1925 of 2004