



S.A.No.829 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.06.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.No.829 of 2021
and
C.M.P.No.15990 of 2021

Baskaran

... Appellant

vs.

1.Gnanmbal

2.Kalavathy

3.Gunasekaran

4.Kumar

5.Ravichandran

6.Kumaresan

7.Akbar Bai

... Respondents

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree of the learned Additional District Judge, Tiruvannamalai dated 29.07.2021 made in A.S.No.3 of 2017 thereby confirming the decree and judgment of the learned Principal Subordinate Judge, Tiruvannamalai dated 02.11.2015 made in O.S.No.38 of 2011.



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For Appellant	: Mr.A.Nirmal Kumar for M/s.R.Rajarajan
For R4	: Mr.V.Prakash Babu
For R5	: Mr.M.Roshan Atiq
For R1	: Died
For R2	: Dismissed
For R3 and R7	: No Appearance
For R6	: Refused

J U D G M E N T

The learned counsel appearing for the appellant failed to pay batta for taking fresh notice to the 2nd respondent, within the time stipulated by the earlier order of this Court dated 28.04.2026.

2. In view of the self-contained order passed by this Court dated 28.04.2026, the Second Appeal is dismissed as against the 2nd respondent.

3. It is seen from the records the second appeal is arising out of suit for partition filed by the appellant. Since the decree dismissing the suit in so far as one of the sharer namely the 2nd respondent herein has attained



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finality, by virtue of dismissal of the second appeal as against the 2nd

respondent herein due to non-payment of batta, no purpose will be served by keeping the second appeal pending against the other respondents. The decree for partition is inseparable one. Hence, the second appeal cannot be proceeded against other respondents/sharers.

4. Therefore, the Second Appeal is dismissed. No costs.

Consequently, the connected civil miscellaneous petition is closed.

24.06.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The Additional District Court,
Tiruvannamalai.

2.The Principal Subordinate Court,
Tiruvannamalai.



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S.SOUNTHAR, J.

dm

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