

SA(MD) NO. 562 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-04-2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

SA(MD) NO. 562 of 2021

1. PERIYASAMY (Died)

S/o.late.Veeramalai

1. Sivaraman

S/o.late.Periyasamy

Rengapalayam

Bothuravuthanpatti

Panchapatty Via.

Krishnarayanapuram Tk

Karur Dt.Mohan

2. MOHAN

S/o.late.Periyasamy

Rengapalayam

Bothuravuthanpatti

Panchapatty Via.

Krishnarayanapuram Tk

Karur Dt.

3. SIVAGAMI

D/o.late.Periyasamy Gounder

New Street

Karumandapam

Trichirapalli.

Appellant(s)

Vs

1.RAVIKUMAR

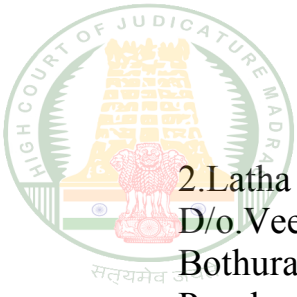
S/o.Veeramalai

Bothuravuthanpatti

Panchapatty Via.

Krishnarayanapuram Tk

Karur Dt.



2.Latha
D/o.Veeramalai
Bothuravuthanpatti
Panchapatty Via.
Krishnarayanapuram Tk
Karur Dt.

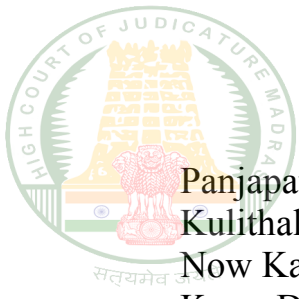
3.Periyakkal
W/o.Veeramalai
Bothuravuthanpatti
Panchapatty Via.
Krishnarayanapuram Tk
Karur Dt.

4.Veeramalai
S/o.late.Periyasamy Goundar
Papampatti Privu
Kannampalayam
Sellur Via
Palladam Tk
Coimbatore Dt.

5.Manickasundaram
S/o.Pitchai
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

6.Alaguraj
S/o.Pitchai
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

7.Muniyappan
S/o.Pitchai
Vellapatty
Keeranur Post



Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

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8.Kalaiyammal
W/o.Karuppaiah
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

9.Veerappan
S/o.Pitchai
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

10.Pitchai
S/o.Periyasamy Gounder
Rengampalayam
Vellapatty
Keeranur Post
Panchapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

11.Suseela
D/o.Periyasamy Gounder
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.



12.Murugesan
S/o.Pitchai
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

13. Porselvi
W/o.Sakthivel
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

14. Sudha
D/o.Pitchai
Vellapatty
Keeranur Post
Panjapatty Via
Kulithalai Tk
Now Kadavur Tk
Karur Dt.

Defendant(s)

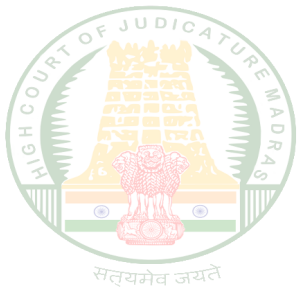
For Appellant(s):

M/s.P.Ganapathi Subramanian
G.Kandha Vadivelan

For Defendant(s):

M/s. V.Balaji
M.Karalmarx For R1 To R3
Court Notice

R7 - Muniyappan
R8 - Kalaiyammal
R9 - Veerappan
R10 - Pitchai
R12 - Murugesan
R13 - Porselvi
R14 - Sudha



R4 To R6 & R11-dismissed For Default Vide Court Order
Date 09/07/2024

Prayer:

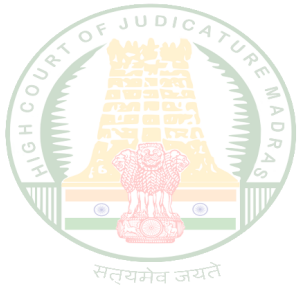
Pleaded to set aside the judgment and decree dated 05.09.2019 in AS No.25 of 2016 on the file of the Principal District Judge, Karur confirming the judgment and decree passed in OS No.6 of 2005 dated 25.09.2015 on the file of the Subordinate Judge, Kulithalai by allowing this appeal and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER

Learned Counsel for the respondents states that having concurrently lost before the Trial Court as well as the First Appellate Court in a suit for partition, the appellants are now taking advantage of the pendency of the Second Appeal and putting up construction.

2.Mr.P.Ganapathi Subramanian, learned Counsel would state that he is not aware of any such construction put up by the appellants.

3.It is needless to state that in the event of the appellants not succeeding in the Second Appeal, equity would demand that any construction put up pending Second Appeal cannot be taken advantage of and such construction would enure to the benefit of the respondents. This would sufficiently protect the interest of the respondents.



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4.Post the Second Appeal on ***01.06.2026***, finally.

MR

21-04-2026



To

1. RAVIKUMAR
S/o. Veeramalai
Bothuravuthanpatti
Panchapatty Via.
Krishnarayanapuram Tk
Karur Dt.

2. Latha
D/o. Veeramalai
Bothuravuthanpatti
Panchapatty Via.
Krishnarayanapuram Tk
Karur Dt.

3. Periyakkal
W/o. Veeramalai
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Papampatti Privu
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Kulithalai Tk
Now Kadavur Tk, Karur Dt.



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D/o.Periyasamy Gounder
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Keeranur Post
Panjapatty Via
Kulithalai Tk
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12. Murugesan
S/o.Pitchai
Vellapatty
Keeranur Post
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13. Porselvi
W/o.Sakthivel
Vellapatty
Keeranur Post
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14. Sudha
D/o.Pitchai
Vellapatty
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