

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 31.03.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Letters Patent Appeal No.100 of 1991

1 P.S.Sathappan (died)

2. S.Lakshmi @ Jayalakshmi

3.Minor S.S.Seetha

4.Minor S.Jegan somasundaram

(Minors represented by their mother
and guardian, the second appellant)
(Appellants 2 to 4 brought on record
as per the directions of this Court, on
the basis of the memo dated 2.2.2006) Appellants

vs.

1.Andhra Bank Ltd.,
Oppanakara Street, Coimbatore.

2.M/s Kaleeswarar Mills Limited,
Kattur, Coimbatore.

3.P.S.S.SomasundaramChettiar,
'Soma Vilas' Trichy Road,
Coimbatore-18.

4.M.Shanmugam

... Respondents

Letters Patent Appeal filed under Clause 15 of the Letters patent against the order dated 08.10.1990 made in C.M.A.No.771 of 1985. (EA NO. 419/83 IN EP NO. 95/78 in OS NO. 403/74 Subordinate Judge, Coimbatore)

For Appellant : Mr.T.V.Ramanujam, S.C., for

Mr.T.V.Krishnamachari

For Respondents 1 to 3: No appearance

For 4th respondent : Mr.T.R.Rajaraman

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above Letters Patent Appeal has been filed against the order of the learned single Judge dated 8.10.1990 made in C.M.A.No.771 of 1985.

2. Before going into the merits, it is brought to our notice that when the matter was pending before the Supreme Court of India in Civil Appeal Nos.689 of 1998, the first appellant viz., P.S.Sathappan died and in his place, his wife (1) S.Lakshmi @ Jayalakshmi, (2) minor S.S.Seetha, (3) Minor S.Jegan Somasundaram were impleaded as legal representatives of the deceased first appellant. They also filed a memo to that effect before this Court. The said memo is hereby recorded and the following persons viz., 1) S.Lakshmi @ Jayalakshmi, (2) minor S.S.Seetha, (3) Minor S.Jegan Somasundaram are brought on record as appellants 2 to 4 in this appeal.

3. Coming to the order which is under challenge, it is seen that before the learned Judge, the appellant has raised several contentions questioning that the Court auction sale was vitiated. The learned Judge, considered all the objections. It is further seen that inasmuch as the first appellant (since died) filed a suit for partition in C.S.No.188 of 1972, the learned Judge has directed him to work out his right therein. It is also brought to our notice that the said suit has been disposed of and pursuant to the follow up action, the property in question was purchased by the **4th respondent herein, viz., M. Shanmugam.** Inasmuch as the learned Judge has considered the contentions raised and negated the same by giving adequate reasons, in the absence of any other material,

the said conclusion cannot be interfered with. No serious argument was advanced with regard to the findings of the learned Judge. On going through the materials, we are in agreement with the said conclusion and we do not find any valid ground for interference. Accordingly, the Letters Patent Appeal fails and the same is dismissed.

raa

Sd/
Asst.Registrar
13.4.2006

Corrected as per order of this
Court dated 7.7.2006 and made
herein.

Sd/-
Asst.Registrar
18.7.2006

/true copy/

Sub Asst.Registrar

To

The Subordinate Judge,
Coimbatore

+ one cc to Mr. C. Hanumantha Rao
(SR NO. 16204)

+ one cc to Mr. T.R. Rajaraman,
Advocate sr no. 29533

+ one cc to Mr. T.V. Krishnamachari,
Advocate sr no. 16162

+ one cc to Mr. D. Bharatha Chakravarthy,
Advocate sr no. 16001

To be substituted
to the order already
despatched on
19.4.2006

SMV (CO)
NM(13.04.2006)
SR/25.7.2006

L.P.A.No.100 of 1991

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