



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty Third day of April Two Thousand and Fifteen

PRESENT

THE HONOURABLE MR. JUSTICE P.R. SHIVAKUMAR

Second Appeal (MD) No.613 of 2014

Johnraj

...Appellant/Appellant/Plaintiff

Vs.

Subramaniya Nadar

... Respondent/Respondent/Defendant

Second Appeal filed under Section 100 C.P.C against the judgment and decree in A.S.No.33 of 2013, dated 03.01.2014 on the file of the Sub Court, Padmanabhapuram confirming the judgment and decree passed in O.S.No.198 of 2007, dated 27.06.2013 on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal and Judgments and Decrees of the Lower Appellate Court and the Court and the Court of first instance and upon hearing the arguments of Mr.K.P.Narayanakumar, Advocate for Appellant and of Mr.H.Thayumanaswamy, Advocate for Respondent, this Court while allowing the Appeal, doth Order and Decree as follows:-

1) That the Judgment and Decree of the Principal District Munsif-cum-Judicial Magistrate, Eraniel, dated 27/6/13 made in O.S.No.198/2007 as confirmed by the Decree of the Subordinate Judge, Padmanabhapuram dated 3/1/2014 made in A.S.No.33 of 2013 be and are hereby set aside

2) That, the Suit in O.S.No.198 of 2007 on the file of the Principal District Munsif -cum- Judicial Magistrate, Eraniel shall stand allowed and the appellant herein/Plaintiff is granted a decree for the relief of specific performance as prayed for ;

3) That the Respondent herein/defendant shall execute the sale deed infavour of the Appellant herein/Plaintiff on receipt of the balance sale consideration amount of Rs.35,150/- (Rupees thirty five thousand one hundred and fifty only) within two months time from this date . If the Respondent herein/defendant fails to execute the Sale deed, the Sale deed shall be executed infavour of the Appellant herein/Plaintiff through this Court on deposit of balance amount of Rs.35,150/- (Rupees Thirty Five Thousand one hundred and fifty only) and



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4) That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar I (Per. Admn)

/True Copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge, Padmanabhapuram.

2. The Principal District Munsif cum Judicial Magistrate, Eraniel

+One cc to Mr. K. P. Narayanakumar, Advocate, SR.No.21815

+One cc to Mr. H. Thayumanaswamy, Advocate, SR.No.21783

Copy to: The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai

sms

RL/6c - 17/6/2015

Dated : 23.04.2015

DECREE

Second Appeal (MD) No.613 of 2014

NATURE OF DECREE : Allowing the Appeal
preferred against the Judgment and Decree
dated 3/1/14 in A.S.No.33/13 on the file of
Subordinate Court, Padmanabhapuram and etc as stated within