



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

**Wednesday, the Fifth day of January Two Thousand and Twenty Two
PRESENT**

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A. (MD) .No.557 of 2015

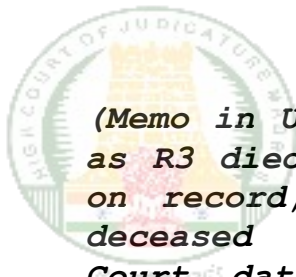
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1. The State of Tamil Nadu,
Rep by District Collector
of Kanyakumari at Nagercoil,
Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.
2. The Assistant Director of
Special Grade Town Panchayath,
Collectorate Campus,
Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.
3. The Executive Officer,
Azhagiapandiapuram Special Grade Panchayat,
Thovalai Taluk,
Kanyakumari District.
4. The President,
Azhagiapandiapuram Special Grade Panchayat,
Azhagiapandiapuram,
Azhagiapandiapuram Village,
Thovalai Taluk,
Kanyakumari District. ... Appellants/Respondents/
Defendants

- Vs. -

1. Venkatachalam (Died)
2. Sreenivasan
3. Magarapoosana Nayagi (Died)
4. Selvakumari .../Respondents/Appellants/
Plaintiffs 2 to 4

***(Fourth Respondent brought on records as legal
heirs of deceased first respondent vide order
of this Court, dated 04.09.2020 in
CMP (MD) .Nos. 9527, 9528 & 9530 of 2019)***



(Memo in USR No.1183 dated 11.01.2021 is recorded as R3 died and respondents 2 & 4 who are already on record, are recorded as legal heirs of the deceased third respondent vide order of this Court, dated 03.03.2021)

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Prayer:-

Second Appeal filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 23.10.2013 made in A.S.No.15 of 2012 and I.A.No. 152 of 2012, on the file of the II Additional Subordinate Court, Nagercoil, reversing the judgment and decree dated 11.06.2008 made in O.S.No.57 of 2006 on the file of the District Munsiff Court, Nagercoil.

DECREE:-

This Appeal having come up for hearing on this day, upon perusing the grounds of Appeal, the judgment of the lower court, and the material papers to the Appeal and upon hearing the arguments of, Mr.G.Suriyananth, Additional Government Pleader for the Appellants and of Mr.V.Meenakshi Sundaram for Mr. R.Murugan, Advocate for the Respondents No.2 and 4 and this court while Allowing Partly this Second Appeal, doth order and decree as follows:-

(1)That the Judgment and Decree dated 23.10.2013 made in A.S.No.15 of 2012 and I.A.No.152 of 2012, on the file of the II Additional Subordinate Court, Nagercoil, be and hereby is remanded back to the said court;

(2)that the Ist Appellate Court shall restore the Appeal in its original number and do fix the date for hearing as 04.03.2022 and proceed to dispose the Appeal on or before 31.08.2022 in accordance with law and in the light of the observations and directions contained in the judgment herein.

(3)that the parties be and hereby directed to let in oral evidence regarding additional documentary evidences which has already marked as Exs.A.9 to A.11 and additional written statement, if any, regarding the amended prayer alone; and

(4) that there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TO

1.The II Additional Subordinate Judge,
Nagercoil.

2.The District Munsif,
Nagercoil.

Copy to

The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.R.MURUGAN, Advocate (SR-436[F] dated 05/01/2022)

+1 CC to M/s.SPL.GP (SR-583[F] dated 06/01/2022)

ORDER DATED : 05/01/2022

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DECREE

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S.A. (MD) .No.557 of 2015

Nature of Decree:-While Partly Allowing the Second Appeal and remand back to the First Appellate Court, as against the Judgment and Decree 23.10.2013 made in A.S.No.15 of 2012 and I.A.No.152 of 2012, on the file of the II Additional Subordinate Court, Nagercoil, etc., as stated within.,

VR (CO)

GC (21.01.2022) 3P 7C