



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2016

Coram:

THE HONOURABLE MS.JUSTICE R.MALA

S.A(MD)No.354 of 2016

and

C.M.P(MD)No.3877 of 2016

N.Vijayakumar

.. Appellant/Appellant/Plaintiff

vs.

1. Selvi

2. The Sub Inspector of Police,
Thisayanvilai,
Office at Police Station Gandhiji Road,
Selva Marudhur,
Thisayanvilai,
Tirunelveli District.

3. The State of Tamil Nadu,
Rep. By its District Collector,
Collectorate, Kookirakulam,
Tirunelveli - 9.

.. Respondents/Respondents/Defendants

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgement and Decree made in A.S.No.37 of 2009, dated 11.06.2010, on the file of the Sub Court, Valliyoor, confirming the Judgment and Decree made in C.F.R.No.4463 of 2009 in unnumbered plaint of 2009, dated 27.10.2009, on the file of the Principal District Munsif Court, Valliyoor.

For Appellant

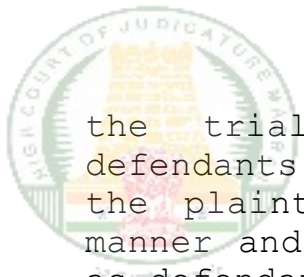
: Mr.S.Siva Thilakar

JUDGMENT

The fair order and decreetal order passed in C.F.R.No.4463 of 2009 in unnumbered plaint of 2009, dated 27.10.2009 by the Principal District Munsif Court, Valliyoor, which was confirmed in the Judgment and Decree passed in A.S.No.37 of 2009, dated 11.06.2010, by the Sub Court, Valliyoor are being challenged in the present Second Appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The appellant herein as plaintiff has instituted C.F.R.No.4463 of 2009 in unnumbered plaint of 2009 on the file of



the trial Court for permanent injunction restraining the defendants 1 and 2, their men, agents, subordinates from forcing the plaintiff to part with his valuable money, jewels in any manner and costs, wherein the present respondents have been shown as defendants.

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3. The trial Court, has rejected the unnumbered plaint stating that the suit is not maintainable. Against which, the plaintiff as appellant, has preferred Appeal Suit No.37 of 2009 on the file of the Sub Court, Valliyoor and the same has also been dismissed. Against the Judgment and Decree passed by the Courts below, the present Second Appeal has been preferred at the instance of the plaintiff as appellant.

4. Heard the learned counsel for the appellant and perused the records.

5. Both the Courts below have rightly rejected the unnumbered plaint on the sole ground that the relief sought for by the appellant is not maintainable. Therefore, I do not find any reason to interfere in the fair order and decreetal order passed by the trial Court and the Judgment and Decree passed by the first Appellate Court and no substantial questions of law has been arisen in the Second Appeal and the present second appeal deserves to be dismissed at the stage of admission.

6. In the result, this Second Appeal is dismissed without costs, at the stage of admission and the fair order and decreetal order passed by the trial Court and the Judgment and Decree passed by the first Appellate Court are confirmed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Valliyoor.
- 2.The Principal District Munsif, Valliyoor.
3. The Sub Inspector of Police, Thisayanvilai,
Office at Police Station Gandhiji Road,
Selva Marudhur, Thisayanvilai, Tirunelveli District.
4. The District Collector, Collectorate, Kokkirakulam,
Tirunelveli - 9.

Arul

JM/GSV-PM/10.06.2016/2P-5C

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