



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Nineth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

SA(MD) No.1036 of 2011

S.T.RAJ @ THANKARAJ

... APPELLANT/APPELLANT/DEFENDANT

Vs

SUNDARESAN

... RESPONDENT/RESPONDENT/PLAINTIFF

PRAYER:- Second Appeal is filed O/S/100 of CPC against the Judgement and decree dated 14/07/2011 passed by the District Judge, Kanyakumari at Nagercoil made in A.S.NO.64/2007 Confirming the Judgement and decree dated 26/04/2007 passed by the Subordinate Judge, Kuzhithurai in O.S.34/2002.

ORDER : This Second Appeal coming on for hearing on the day upon perusing the grounds of Appeal, the order of the Lower Court, and material papers relating to the case and upon hearing the arguments of Mr. K.N.Thampi, Advocate for the appellant and Mr. D.Srinivasa Raghavan, Advocate for the respondent, this Court doth the decree and order as follows:-

(i)that the Judgement and decree dated 14/07/2011 passed by the District Judge, Kanyakumari at Nagercoil made in A.S.64/2007, Confirming the Judgement and decree dated 26/04/2007 passed by the Subordinate Judge Kanyakumari made in OS 34/2002 , are hereby Set Order on the appeal herein and the Second appeal is allowed;

(ii)that the suit in O.S.34/2002 on the file of the Sub Court, Kuzhithurai dated 26.04.2007 be and hereby stands dismissed.

(iii)that there shall be no cost in the Second Appeal herein.

sd/-
09/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT COURT,
KANYAKUMARI AT NAGERCOIL.
2. THE SUB COURT,
KUZHITHURAI.

COPY TO:

THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.N.THAMPI Advocate SR.No.80390
+1 cc to Mr. D.SRINIVASA RAGHAVAN, Advocate, Sr.No: 80408

MAS/PM-PN:06.02.2017:2P/6C

ORDER DATED 09/12/2016

DECREE

SA(MD) No.1036 of 2011

Date :09/12/2016

Nature of DECREE: Allowing
the appeal by setting aside
the Judgement and decree
dated 14/07/2011 passed by
District Judge, Kanyakumari
at Nagercoil in As 64/2007,
Confirming the Judgement
and decree dated 26/04/2007
passed by the Subordinate
Judge, Kuzhithurai in
O.S34/2002