



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

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice R.MALA

SA(MD) No.414 of 2011

1.Vairavan

2.Kathirvel Murugan

... Appellants/Appellants/
Defendants

vs.

Vasantha

... Respondent/Respondent/
Plaintiff

Second Appeal filed under Section 100 C.P.C., against the Decree of the District Judge, Kanyakumari at Nagercoil in Appel Suit No.24 of 2009 dated 30.11.2010 preferred against the decree of the court of the IInd Subordinate Judge, Nagercoil in Original Suit No.163 of 2006 dated 15.10.2008.

DECREE : This Second Appeal coming on for hearing on this day Upon perusing the Grounds of Appeal, the Judgment and Decrees of the Lower Appellate court and the court of First instance and the material papers in the suit and upon hearing the arguments of Mr.S.Deenadhayalan, Advocate for the Appellants, and of Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi, Advocate for the Respondent, this Court while Partly allowing the Second Appeal, doth order and decree as follows :-

That the decree dated 30.11.2010 made in A.S.No.24 of 2009 on the file of District Judge, Kanyakumari at Nagercoil confirming the decree dated 15.10.2008 made in O.S.No.163 of 2006 on the file of the IInd Additional Subordinate Judge, Nagercoil, be and is hereby modified.

2. That the respondent/plaintiff be and is hereby entitled to 1/9th share of the first Item of the suit schedule property and 1/3rd share in the second item of suit schedule property.

3. That in other respect the preliminary decree granted by the court below be and is hereby confirmed.



4. That both parties are directed to bear their own costs.

sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

TO

1. The District Judge, Kanyakumari at Nagercoil.
2. The II Additional Subordinate Judge, Nagercoil.

+1CC to Mr.D.Nallathambi, Advocate Sr.No.32519

Copy To : The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

GJM/GSV/PM/SAR-II-21.7.16-2p-5C

DATED : 22.06.2016

DECREE

IN

SA(MD) No.414 of 2011

Nature of DECREE : Modified the decree dated 30.11.2010 made in A.S.No.24 of 2009 on the file of the District Judge Kanyakumari at Nagercoil, confirming the decree dated 15.10.2008 made in O.S.No.163 of 2006 on the file of the IInd Additional Subordinate Judge, Nagercoil as stated within etc.,