



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

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

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

SA(MD) No.466 of 2011

Pichammal : Appellant/Respondent/Plaintiff

-Vs-.

1.Natarajan
2.Murugesan
3.Vadivel

: Respondents/Appellants/Defendants

Second Appeal is filed under Section 100 of CPC against the Judgment and Decree of the Principal Subordinate Judge, Kovilpatti in Appeal Suit No.45/2009 dated 25/03/2010 against the Judgment and Decree of the Court of the Principal District Munsif, Kovilpatti in Original Suit No.244 of 2005, dated 09/07/2009.

DECREE : This Second Appeal coming on for hearing on Friday the ninth day of December, Two Thousand and Sixteen upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Appellats Court and the Court of First instance and the material papers in the suit and upon hearing the arguments of Mr.Pon Senthil Kumar, Advocate for the Appellant, and of Mr.S.Meenakshi Sundaram, Advocate for the First Respondent and of Mrs.S.Srimathy, Advocate for the Respondents 2&3 and having filed a memo by both parties after duly signed and this Court while the said memo in Original and having stood over for consideration in this day, doth order and decree as follows :-

1) that the Second Appeal preferred against the Judgments and Decree passed by the Principal Subordinate Judge, Kovilpatti, dated 25.03.2010 made in A.S.No.45 of 2009, reversing the Judgment and Decree of the Principal District Munsif, Kovilpatti, dated 09/07/2009 made in O.S.No.244 of 2005 be and is hereby dismissed;

2) that both the Appellant and Respondents herein be and hereby are agreed to permit the Appellant herein/Respondent to enter into the suit II Schedule Properties only for the purpose of whitewashing and repairing the western wall of the Appellant's house and this right can be exercised by giving proper prior notice to the Respondent and his successors -in interest within the reasonable time and the Appellant herein doesnot have any other proprietary right over the suit II Schedule property except the above said rights and ,



3. that, there be no order as to costs in this Second Appeal.

sd/-

Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

WEB COPY

TO

1.The Principal Subordinate Judge, Kovilpatti

2.The Principal District Munsif, Kovilpatti

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

+1cc to Mr.S.Pon Senthil Kumaran, Advocate sR.No.81308

+1cc to Mr.S.Meenakshisundaram, Advocate Sr.No.81523

sm:SS2-KSM:27/01/2017:2P/6C

DECREE

IN

SA(MD) No.466 of 2011

Date :16/12/2016

Nature of DECREE : Dismissing
the Appeal preferred against
the Judgment and Decree of the
Principal Sub Judge, Kovilpatti
dated 25/03/2010 made in
A.S.No.45 of 2009 and etc.,
stated within.