

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.10.2001

PRONOUNCED ON : 28.11.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

S. A.No.77 of 2001

Arulmighu Vedaranyeswara-
swami Devasthanam, rep.by
its Executive Officer,
Vedaranyam.

Appellant

..
Vs

1. Mangalam
2. Sethumadhavan
3. Vedhanayaki
4. Savithiri
5. Arumugham Pillai
6. Krishnaveni
7. Kanakarajan

..
Respondents

Second Appeals are filed under Section 100 of Civil Procedure Code, against the Judgment and decree dated 08.02.2000 passed in A.S.No.22/99 on the file of the Additional District Judge/Chief Judicial Magistrate, Nagapattinam, reversing the Judgment and decree dated 24.02.1999 passed in O.S.No.181/87 on the file of the District Munsif Court, Thiruthuraipoondi.

For Appellant

: Mr.Kinston Jerald
for M/s.S.K.Rakhunathan

For Respondents

: No representation

JUDGMENT

This second appeal is directed by the first defendant impugning the Judgment and decree dated 08.02.2000 passed in A.S.No.22/99 on the file of the Additional District Judge/Chief Judicial Magistrate, Nagapattinam, reversing the Judgment and decree dated 24.02.1999 passed in O.S.No.181/87 on the file of the District Munsif Court, Thiruthuraipoondi.

2. The parties are referred to as per their rankings in the trial Court.

3. Suit for permanent injunction.

4. The case of the plaintiffs, in brief, is that the first plaintiff is the wife and the plaintiffs 2 to 4 and the third defendant are the children of the deceased Rangasamy Pillai and the suit property belonged to the first defendant temple and Rangasamy Pillai had taken the suit property on lease on the basis of sharing the crops raised in the suit property on half waram basis and accordingly, it is the case of the plaintiffs that right from 1965 onwards, Rangasamy Pillai had

taken the suit property in his possession and been raising Casuarina trees in the suit property and accordingly, periodically the casuarina trees raised had been harvested and brought for sale during the auction process conducted by the first defendant temple and it is further stated that the sale price / profits are equally divided by the deceased Rangasamy Pillai and the first defendant temple as per the waram basis arrangement entered into between them and it is stated that originally an extent of 5.62 acres had been taken by Rangasamy pillai and thereafter, the said extent had been reduced to 3.86 acres following the portion of the property taken for the widening of the road and for other purposes and while so, still the casuarina trees raised by Rangasamy Pillai, were there, ready for harvesting and for sale. It is the case of the plaintiffs that Rangasamy Pillai had died on 29.09.1985 leaving them and the third defendant as his legal representatives and taking advantage of the demise of Rangasamy Pillai, his brother, namely, the second defendant attempted to interfere in the possession and enjoyment of the plaintiffs in respect of the suit property and accordingly, a complaint had been lodged against him and it is also stated that an auction advertisement issued by the first defendant temple states as if the second defendant is also in possession and enjoyment of an extent of 1.93 acres in the suit property and that, the

remaining extent is in possession and enjoyment of Rangasamy Pillai. However, the entire extent of 3.86 acres remained only in the possession of the deceased Rangasamy Pillai and after his death, with the plaintiffs and the third defendant and despite the representation given by the plaintiffs with reference to the same, the first defendant did not properly respond to the same and the plaintiffs and the third defendant have no objection in sharing the profits of the sale of casuarina trees raised in the suit property with the temple and in such circumstances, the claim of the temple that the second defendant is also in possession and enjoyment of an extent of 1.93 acres in the suit property is incorrect and hence, the suit has come to be laid by the plaintiffs for appropriate reliefs. It is further stated that pending the suit, the fourth defendant, who is the son of the second defendant, claiming to be in a possession and enjoyment of an extent of 2.50 acres in the suit property as the cultivating tenant under the first defendant temple and he has himself impleaded as a party in the proceedings, but the fourth defendant is not entitled to claim to be the cultivating tenant in respect of the suit property as put forth by him and the defendants 1, 2 and 4 are not entitled to disturb the possession and enjoyment of the plaintiffs in respect of the suit property and also, not entitled to bring the casuarina trees raised in

the suit property for sale against the interest of the plaintiffs and the third defendant with reference to the cultivation of the casuarina trees on half warram basis and hence, the suit for necessary reliefs.

5. The case of the first defendant, in brief, is that it is true that the suit property had been in possession of the deceased Rangasamy Pillai and accordingly, he had been raising casuarina trees in the suit property and after his demise, it is true that the plaintiffs, who are the legal representatives, are in possession and enjoyment of the casuarina trees raised by him and the auction notice informing that the second defendant is also in possession and enjoyment of an extent of 1.93 acres in the suit property has been given wrongly on the basis of the misrepresentation of the second defendant and if the same had been duly represented by the plaintiffs, the mistake could have been rectified. The first defendant is not interfering with the possession and enjoyment of the plaintiff and the first defendant has not objected the plaintiffs and the third defendant from enjoying usufruct of the casuarina trees on the basis of half waram and hence, the suit is unnecessary and liable to be dismissed.

6. In the additional written statement, the first defendant has pleaded that based upon the orders of the trial Court, the casuarina trees raised in the suit property had been auctioned by the receiver appointed by the Court and the sale profits has been deposited in the Court and thereafter, the plaintiffs are not entitled to continue the suit proceedings further and the suit property is perfectly in possession and enjoyment of the fourth defendant and hence, the plaintiffs are not entitled to get any reliefs against the first defendant temple and the suit has become infructuous and is liable to be dismissed.

7. The case of the second defendant, in brief, is that out of an extent of 3.86 acres in the suit property, an extent of 1.93 acres is in the possession and enjoyment of the second defendant as the cultivating tenant of the first defendant temple and the remaining extent is in the possession and enjoyment of the deceased Rangasamy Pillai and inasmuch as the second defendant was pre-occupied with the other affairs, he has left the cultivation in the hands of his brother, the deceased Rangasamy Pillai and accordingly, till the demise of Rangasamy Pillai, there has been no issue between the parties and after the demise of Rangasamy Pillai, the plaintiffs started claiming to be in possession and enjoyment of the entire extent of 3.86 acres,

whereas, they are in possession and enjoyment of only an extent of 1.93 acres in the suit property and the claim of the plaintiffs that the second defendant is attempting to interfere with their possession and enjoyment is not true and false. The plaintiffs are not entitled to claim the reliefs in respect of the entire suit property on the basis of half waram cultivation and hence, the suit is liable to be dismissed.

8. The case of the fourth defendant, in brief, is that the fourth defendant has taken an extent of 2.50 acres in Survey No.403/1 of the suit property on lease from the first defendant temple from 1401 fasli onwards and accordingly, been cultivating the above said extent and accordingly, the fourth defendant's name has been duly recorded as tenant in the record of tenancy maintained by the appropriate authorities and the first defendant has not disputed the status of the fourth defendant as its cultivating tenant in respect of the suit property and hence, the suit laid by the plaintiffs claiming the relief of permanent injunction as against the fourth defendant is not maintainable and the extent of 1.36 acres is in the possession and enjoyment of one Somasundaram as per the arrangement entered into by him with the first defendant temple and hence, the suit is liable to be dismissed.

9. In support of the plaintiffs' case, PWs1 and 2 were examined and Exs.A1 to A14 were marked and on the side of the defendants, DWs1 to 5 were examined and Exs.D1 to D8 were marked. Ex.X1 is also marked.

10. It is found that pending suit, a receiver had been appointed by the trial Court and based on the orders of the trial Court, it is seen that the receiver had brought the casuarina trees raised in the suit property as available on the date of the filing of the suit and also ready for harvesting and accordingly, had deposited the sale profits in the Court. As regards the above facts, there is no dispute between the parties.

11. On the basis of the oral and documentary evidence adduced by the respective parties and considering the above facts that the casuarina trees raised and ready for harvesting on the date of the suit having been brought for sale by the receiver as per the orders of the trial Court and also, the sale profits having been deposited in the Court, the trial Court had held that the plaintiffs are only entitled to obtain the second limb of the reliefs sought for in the plaint as regards they are entitled to have the sale profits of the casuarina trees on the

basis of half waram basis and accordingly, granted the appropriate reliefs in favour of the plaintiffs.

12. However, the trial Court on the basis of the materials placed held that the plaintiffs have failed to establish that after the casuarina trees raised in the suit property had been cut and brought for sale as above stated and thereafter, as the plaintiffs have failed to establish that they have entered into a lease arrangement in respect of the suit property with the first defendant temple and finding that the 4th defendant has entered into the lease arrangement with the first defendant temple as put forth by him and accordingly, rejected the first limb of the reliefs sought for by the plaintiffs i.e. the relief of injunction restraining the defendants 1, 2 and 4 from interfering with their possession and enjoyment of the suit property as the cultivating defendants thereof.

13. Impugning the judgment and decree of the trial Court above stated, the plaintiffs preferred the first appeal and the first appellate Court, on the basis of the materials placed, finding that the first defendant temple had failed to establish that it had validly obtained possession of the suit property from the plaintiffs and the third

defendant in the manner known to law, had also disbelieved the case of the first defendant temple as well as the 4th defendant that the suit property had been leased out by the first defendant temple in favour of the fourth defendant and one Somasundaram as projected and accordingly, discountenanced the defence put forth by the first defendant temple and the 4th defendant and accordingly, granted the first limb of the reliefs of injunction sought for by the plaintiffs in the suit and accordingly, entertained the appeal preferred by the plaintiffs. Impugning the same, the first defendant temple has preferred the present second appeal.

14. At the time of admission of the second appeal, the following substantial questions of law were formulated for consideration in this second appeal;

" (i) Whether the Lower Appellate Court is right in granting a decree for permanent injunction against the appellant, especially when the suit property has been given on lease to the fourth defendant who is now in actual possession of the suit property?

(ii) Whether the suit for permanent injunction is maintainable against the Registered Cultivating Tenant who got himself registered under the Tamil Nadu Agriculturist Land Records of Tenancy Rights Act 10 of 1969?"

15. It is not in dispute that the first defendant temple is the owner of the suit property. The plaintiffs had laid the suit claiming two reliefs of permanent injunction against the defendants 1, 2 & 4 and as the second limb of the reliefs sought for by the plaintiffs pertains to their entitlement to obtain half of the sale profits of the casuarina trees raised in the suit property on the date of the suit, it is found that as per the orders of the trial Court, the receiver appointed had harvested the casuarina trees and accordingly, brought the same for sale through auction and deposited the sale profits in the Court and as regards the above facts, there is no dispute. Thus, it is found that based upon the materials placed, the trial Court, accordingly, held that the plaintiffs having raised the casuarina trees in the suit property, which were in existence on the date of the suit and accordingly found that the plaintiffs are entitled to half of the sale profits, as per the lease arrangement entered into with the first defendant temple as regards the suit property, from the time of Rangasamy Pillai, thus held that the

plaintiffs are entitled to receive half of the sale profits and accordingly, accepted the second limb of the reliefs sought for by the plaintiffs. It is found that as regards the above relief granted by the trial Court in favour of the plaintiffs and the third defendant as such neither the first defendant temple nor the other defendants had challenged the same. Even in this second appeal, as regards the above relief granted in favour of the plaintiffs, the second appeal has not been preferred by the above said parties. It is found that as regards the relief granted by the trial Court that the plaintiffs are entitled to half of the sale profits deposited in the Court by the receiver, it is found that the same has become final and hence, it is unnecessary to dwell upon the same in this second appeal.

16. It is found that the plaintiffs claiming to be in the possession and enjoyment of the suit property right from the days of Rangasamy Pillai, they had sought for permanent injunctions against the contesting defendants that they should not interfere with their possession and enjoyment of the suit property. It is found that based on the materials produced by the plaintiffs before the the trial Court exhibited as A2 to 14, it is found that right from 1965 onwards, it is only Rangasamy Pillai, who had been in possession and enjoyment of the suit property

as described in the plaint as the cultivating tenant of the first defendant temple and accordingly, raising the casuarina trees in the same and based upon the arrangement entered into with the temple, it is found that he and the plaintiffs and the third defendant had been enjoying the half of the sale profits of the casuarina trees raised in the suit property. As regards the above facts, the first defendant temple has not raised any issue in the written statement. It has been admitted by the first defendant temple that it is only Rangasamy Pillai, who had been raising the casuarina trees all along and accordingly, sharing the sale profits of the same, based upon the half waram arrangement entered into with the temple and the first defendant has also admitted that after the demise of Rangasamy Pillai, it is only the plaintiffs and the third defendant, who had been in possession and enjoyment of the suit property and raising the casuarina trees therein. Thus, it is found that the first defendant as such had totally admitted the case of the plaintiffs in the written statement initially filed by them.

17. However, it is found that in the additional written statement, the first defendant had taken a stand inconsistent with the pleas already set out by it in the written statement putting forth that the 4th defendant had taken an extent of 2.50 acres in the suit property as a

cultivating tenant thereof and hence, after the casuarina trees raised in the suit property and available on the date of the suit, had been cut and sold through the Court process, according to the first defendant temple, the plaintiffs are not entitled to continue the suit thereafter and hence, the reliefs sought for by the plaintiffs having become infructuous, the plaintiffs are not entitled to maintain the suit against the first defendant. It is found that only after the institution of the suit based upon the pleas put forth by the first defendant, it is found that the 4th defendant has come to be impleaded as a party to the proceedings and on impleadment, it is noted that the 4th defendant has taken a plea that in survey No.403/1, he has taken an extent of 2.50 acres as lease from the first defendant temple and accordingly, his name has been registered as a cultivating tenant thereof in the record of tenancy and further, according to him, the remaining extent of 1.36 acres is in the possession and enjoyment of one Somasundaram as the cultivating tenant of the first defendant temple and hence, pleaded for the dismissal of the suit and the above claim of the 4th defendant has been strongly resisted by the plaintiffs.

18. The trial Court is found to have rejected the first limb of the reliefs sought for by the plaintiffs on the footing that after casuarina

trees raised in the suit property had been harvested and brought for sale through the receiver appointed by the Court and the sale profits having been deposited in the Court, it is the determination of the trial Court that the plaintiffs thereafter did not place any material to show that they had further renewed the lease arrangement with the first defendant temple in respect of the suit property as the cultivating tenants thereof and inasmuch as the first defendant has leased out the suit property in favour of the 4th defendant and another person, according to the trial Court, as the plaintiffs claim of cultivating tenants of the suit property even after the institution of the suit had not been established in the light of the defence raised by the defendants 1 and 4 and holding that it is only the 4th defendant, who has been in possession and enjoyment of the extent in the suit property as the cultivating tenant thereof as claimed by him, the trial Court had discountenanced the first limb of the reliefs sought for by the plaintiffs. Challenging the same as noted above, the plaintiffs have preferred the first appeal.

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19. It is found that the first appellate Court rightly on the basis of the documents adduced by the first defendant temple through DW1 noted that the first defendant temple having admitted the possession

and enjoyment of the entire suit property by the plaintiffs and the raising of the casuarina trees by them in the suit property holding that as per the admission of DW1 that the first defendant temple had not taken the possession and enjoyment of the suit property from the plaintiffs in the manner known to law and accordingly, held that the possession and enjoyment of the entire suit property still continues with the plaintiffs and the third defendant as put forth by them and therefore, consequently held that the claim of the first defendant temple that it had leased out the suit property in favour of the 4th defendant pending suit as such cannot be accepted in any manner. In this connection, it has to be noted that as regards the claim of the second defendant that he is in possession and enjoyment of an extent of 1.93 acres, both the trial Court as well as the first appellate Court had held that the second defendant has miserably failed to establish that he is in possession and enjoyment of an extent of 1.93 acres in respect of the suit property as the cultivating tenant thereof under the first defendant temple and no contra material has been placed as regards the above said concurrent findings of the Courts below in this second appeal. As seen above, when it has been clearly admitted by DW1 that the possession of the suit property had not been retrieved by the first defendant temple from the plaintiffs and the third

defendant in the manner known to law pending the suit and when it is the admitted case that it is only the plaintiffs and the third defendant, who were in possession and enjoyment of the suit property on the date of the suit, accordingly it is seen that the casuarina trees, which were in existence in the suit property on the date of the suit, were only raised by the plaintiffs as such. Accordingly, it is seen that the Courts below have concurrently held that the plaintiffs are entitled to half of the sale profits of the casuarina trees. When such being the position, it is found that as determined by the first appellate Court, when the plaintiffs had not been dispossessed from the suit property pending litigation by the first defendant temple and when there is no material pointing out to the same as such pleaded by the first defendant temple, it is seen that the possession and enjoyment of the suit property continues to be only with the plaintiffs and the third defendant and in such view of the matter, prima facie it cannot be held that the 4th defendant and one Somasundaram had taken the possession and enjoyment of the suit property as the cultivating tenants thereafter from the first defendant temple pending litigation.

20. As regards the auction notice/advertisement marked as Ex.A1 describing that the second defendant is enjoying to an extent of

1.93 acres in the suit property, even it is the admitted case of the first defendant temple that the suit auction notice had been wrongly issued based upon the misrepresentation of the second defendant as seen above and both the Courts have held concurrently that the second defendant is not in possession and enjoyment of an extent of 1.93 acres in the suit property as the cultivating tenant thereof.

21. As rightly determined by the first appellate Court, considering the nature of the cultivation of the casuarina trees, particularly the same requiring physical labour and also constant attention till the time of harvesting, it is noted that considering the arrangement entered into between the deceased Rangasamy Pillai with the first defendant temple and after the demise of Rangasamy Pillai, between the plaintiffs and the first defendant temple, it is seen that the said arrangement could only be on the basis of the lease arrangement as put forth by the plaintiffs and not on the basis of any licence or permission as seem to be projected by the first defendant temple in the written statement. Therefore, the contention put forth by the first defendant temple that only licence /permission had been granted by the temple in favour of the deceased Rangasamy Pillai and the plaintiffs as such for the cultivation of the casuarina trees in the

suit property cannot be accepted in any manner. On the other hand, it is seen that as rightly held by the first appellate Court only on the basis of the lease arrangement, it is noted that the deceased Rangasamy Pillai and after his demise, the plaintiffs are cultivating the casuarina trees in the suit property and accordingly, their status as the cultivating tenants of the suit property had been all along acceded to by the first defendant temple. Therefore, the plea now put forth that it is only the licence /permission, which had been granted to them for raising the casuarina trees in the suit property as per the arrangement entered into as such cannot be accepted in any manner.

22. As rightly found by the first appellate Court, it is noted that right from 1965 onwards, the deceased Rangasamy Pillai had been enjoying the suit property by raising the casuarina trees therein. It is seen that it is not even the specific case of the first defendant temple that Rangasamy Pillai had been periodically renewing the lease arrangement with the first defendant temple by any document, as such. It is thus noted that inasmuch as the suit property had been all along leased out to the deceased Rangasamy Pillai and accordingly, he had been enjoying the same as the cultivating tenant thereof by raising casuarina trees and enjoying the sale profits thereof on the

basis of half waram arrangement entered into with the first defendant temple, it is found that he has been all along allowed to enjoy the suit property as the cultivating tenant of the suit property. After his demise, it is further seen that the plaintiffs had been accordingly allowed to enjoy the suit property as the cultivating tenant thereof. In such view of the matter, when it is not the case of the first defendant temple that on every occasion or periodically the deceased Rangasamy Pillai had been renewing the lease arrangement with the first defendant temple, it is noted that there is no need for any specific permission obtained by the plaintiffs to continue the lease arrangement with the first defendant temple as such in respect of the suit property, considering the definition of 'cultivating tenant' in the cultivating tenants protection Act which includes his legal heirs and contributing physical labour in the cultivation of the property concerned. When the first defendant temple had clearly admitted that it is only the plaintiffs, who had been in possession and enjoyment of the suit property as the cultivating tenant thereof, after the demise of the deceased Rangasamy Pillai, and raised the casuarina trees., therefore, the new plea put forth by the first defendant temple through the mouth of DW1 that the plaintiffs had not obtained any written permission from them to continue to be in possession of the suit

property as such cannot be readily accepted, as held by the first appellate Court.

23. Now, it is the case of the first defendant temple as well as the 4th defendant that pending suit based upon the lease arrangement entered into between them marked as Ex.B3, the 4th defendant had taken on lease an extent of 2.50 acres in survey No.403/1 from the first defendant temple and it is found that the above said lease arrangement has been entered into between them for a period of 5 years and the said arrangement being not registered, accordingly, as rightly held by the first appellate Court, it is seen that the above said arrangement requiring compulsory registration as per law and the same being not been registered, the claim of the above said parties that the said extent had been taken on lease by the 4th defendant from the first defendant temple as such cannot be legally countenanced. Therefore, the first appellate Court has rightly disbelieved the case of the defendants 1 & 4 based upon Ex.B3. Further, as rightly held by the first appellate Court, it has not been established by the defendants 1 & 4 that following Ex.B3, the first defendant temple /fourth defendant had taken possession and enjoyment of the said extent covered under Ex.B3. It is seen that an order has come to be passed

based on Ex.B4 that the authority concerned had recognised the status of the 4th defendant and one Somasundaram as the cultivating tenants of the suit property and as rightly held by the first appellate Court, it is admitted by the 4th defendant examined as DW4 that he is only a college going student during the year 1992 and has also admitted that he has not disclosed about the pending litigation before the concerned authority at the time of registration of his name as the cultivating tenant. It is further seen that the plaintiffs are not parties to the proceedings giving rise to Ex.B4 order. Therefore, it is found that the order marked as Ex.B4 has come to be passed behind the back of the plaintiffs and also pending the present litigation and it is not established by the defendants 1 & 4 that they had taken possession of the suit property from the plaintiffs pending litigation. When it has been specifically admitted by DW1 that the plaintiffs had not been lawfully evicted from the suit property, it is seen that the plaintiffs would be entitled to continue in possession and enjoyment of the suit property as the cultivating tenants thereof and therefore, the claim of the 4th defendant that he is the cultivating tenant of an extent of 2.50 acres in respect of the suit property based on Ex.A3 cannot be readily accepted for the reasons aforesated. Similarly, when Ex.B4 order has come to be passed behind the back of the plaintiffs and also pending

the present litigation and further when the first defendant temple has not placed any material to establish that the suit property had been subsequently subdivided in the manner known to law and as rightly held by the first appellate Court, the order passed and marked as Ex.B4 cannot be granted or accorded the legal status as such so as to be binding upon the plaintiffs. Therefore, it is found that the first appellate Court has rightly disbelieved Exs.B3 & B4.

24. The receipts marked as Exs.B5 to B8 also have been rightly discountenanced by the first appellate Court as when they are claimed to have been issued pursuant to Exs.B3 & B4 and when Exs.B3 & B4 are found to be not valid in law, it is seen that the kist payments following the above said invalid documents would not clothe defendants 1 & 4 with any legal right to resist the claim of the plaintiffs or to hold that the 4th defendant is in possession and enjoyment of the suit property as put forth by him.

25. The document marked as Ex.X1 is found to have come into existence pending litigation and when it is found that Ex.B3 lease arrangement has come to an end with 1401 fasali, it is seen that based on Ex.X1 under which the 4th defendant's status as the

cultivating tenant of a portion of the suit property issued by the concerned VAO also cannot be accepted in any manner, particularly, when it is noted that the 4th defendant has failed to establish that he had taken the possession and enjoyment of the suit property from the plaintiffs pending litigation. Therefore, it is noted that the first appellate Court has taken into consideration of the facts of the case, in the right perspective and held that it is only the plaintiffs and the third defendant, who continue to be in possession and enjoyment of the suit property as the cultivating tenant thereof under the first defendant temple and accordingly, entitled to the relief of the permanent injunction sought for in the first limb of their prayer and accordingly, also accepted their case with reference to the same.

26. In the light of the above discussions, it is found that when the first defendant temple or the 4th defendant has failed to establish that the suit property had been granted in favour of the 4th defendant and Somasundaram, on lease, as put forth by them and when they had failed to establish that pursuant to the above said lease arrangement, the 4th defendant and Somasundaram had taken possession and enjoyment of the suit property and when it is noted that it is only the plaintiffs, who still continue to be in possession and

enjoyment of the suit property as the cultivating tenants thereof under the first defendant temple and when it is noted that the first appellate Court, rightly, on a proper appreciation of the matter both factually and legally held that the plaintiffs and the 3rd defendant are entitled to the first limb of the prayer and also when it is found the documents marked as Exs.B3 to B8 would not in any manner serve the case of the defendants 1, 2 and 4, similarly, the documents marked as Exs.B1 & B2 also having not been established to have any legal effect by the defendants, accordingly, it is held that the Courts below have correctly not placed reliance upon those documents to accept the case of the defendants 1, 2 and 4.

27. In the light of the above discussions, the substantial questions of law formulated in the second appeal are answered in favour of the plaintiffs and the third defendant and against the defendants 1, 2 & 4.

28. In conclusion, the second appeal fails and is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

28.11.2017

Index : Yes/No
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T.RAVINDRAN,J.
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To

- 1.The Additional District Judge/
Chief Judicial Magistrate, Nagapattinam.
- 2.The District Munsif Court, Thiruthuraipoondi.



Pre-delievery judgment made in

S. A.No.77 of 2001

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