



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

Monday, the Twenty third day of October, Two thousand and
Seventeen
PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.M.A.(MD)No.904 of 2016
and
C.M.A.(MD)No. 958 of 2016

C.M.A.(MD)No.904 of 2016 :

Mr.A.Ramasamy ... Appellant/9th Respondent

Vs.

1.M.Anusudha ...Respondent No.1/Appellant

2.G.Ponraj

3.R.V.R.Venkateshwaran

4.M.Rajavadhanam

5.S.Rajalakshmi

6.S.Palanisamy

7.B.Thangam

8.T.Karunakaran

9.S.Rajagopal

... Respondents 2 to 9/Respondents
1 to 8

C.M.A.(MD)No.958 of 2016 :

T.Karunakaran ... Appellant/Respondent No.7

Vs.

1.M.Anusudha ...Respondent No.1/Appellant

2.G.Ponraj

3.R.V.R.Venkateshwaran

4.M.Rajavathanam

5.S.Rajalakshmi

6.S.Palanisamy

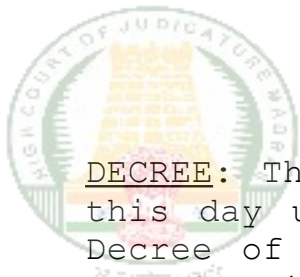
7.B.Thangam

8.S.Rajagopal

9.A.Ramasamy

... Respondents 2 to 9/Respondent 1 to 6&8

Prayer: These Civil Miscellaneous Appeal filed under Order 43 Rule 1 (u) of Civil Procedure Code has been filed to remand the judgment and decree dated 02.04.2016, made in A.S.No.41 of 2013 on the file of the Subordinate Court, Theni, by reversing the judgment and decree dated 19.09.2013 made in O.S.No.160 of 2006 on the file of the District Munsif Court, Theni.



DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the Grounds of the Appeal, the order and Decree of the Lower Court and material papers in the Appeal and upon hearing the arguments of Mr.B.Rajesh Saravanan, Advocate for the Appellant in CMA(MD)No. 904/2016 Mr.V.Kannan, Advocate for Additional Public Prosecutor in CMA(MD)No. 958 of 2016 and Mr.R.Subramanian, Advocate for First Respondent, Mr.C.Jeganathan for Veera Associates, Advocate for Respondent 8, Mr.R.R.Thamother Raj, Advocate for 7th respondent and Mr.K.Neethimohan, Advocate for Respondent 2, Respondent 3 and Respondent 5 in CMA(MD)No. 958/2016 while Allowing the Appeal and set aside the order passed by the lower Court, this Court doth order and decree as follows;

1)That the Judgment and decree of the Subordinate Judge, Theni dated 02/04/2016 made in A.S.No.41 of 2013 be and hereby is setaside;

2)That the matter in A.S.No.41 of 2013 be and hereby is remitted back to the first Appellate Court;

3)That the First Appellate Court do restore the Appeal Suit to its original number in the register and proceed to dispose of the case in the light of the observations and directions given in the Judgment herein;

4)That the first appellate court be and hereby is directed to dispose the matter as expeditiously possible.

5)That there be no costs in this Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Theni.

2.The District Munsif, Theni.

+1cc to Mr.B.RAJESH SARAVANAN,Advocate,SR.83242

+2cc to Mr.R.SUBRAMANIAN,Advocate,SR.83320,83321

+1cc to Mr.V.KANNAN,Advocate,SR. 83265

+1cc to M/S.VEERA ASSOCIATES,Advocate,SR. 83384

DATED: 23/10/2017

REMAND BACK DECREE

C.M.A. (MD)No.904 of 2016

and

C.M.A. (MD)No. 958 of 2016

Allowing the Appeal preferred against the Judgment and decree of the Sub Court, Theni dated 02/04/2016 made in A.S.No.41/2013 and etc., stated therein (Remanded)