



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

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.3731 of 2017

IN

SA No.978 of 2003

1 A. SILUVESTIAN

2 A. SANDANA CRUZ

... PETITIONERS/APPELLANTS

Vs

1 V. PATRIC RAJAN

2 V. ROERT RAJ

3 V. VISWARAJ

4 V. REMIJIOUS RAJ

5 V. MICHEL ANTHONY

6 V. ARUL FRANCIS XAVIER

7 V. DENNIS

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to clarify the judgement and decree in the above SA .No.978 of 2003 dated 15/06/2012 on the file of this Honourable Court.

PRAYER IN SA.NO.978/2003 :

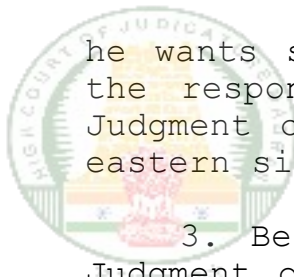
Memorandum Second Appeal before this Hon'ble Court against the Judgment and Decree dated 20.02.2002 made in A.S.No.4 of 2001 passed the Subordinate Judge, Padmanabhapuram, Kanyakumari District reversing the Judgment and Decree dated 31.10.2000 made in O.S.No.976 of 1991 passed by the Principal Districr Munsif, Padmanabhapuram, Kanyakumari District.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.SUBASH BABU, Advocate for the petitioner and of MR.V.MEENKSHI SUNDARAM Advocate for the Respondents 1 to 4,6,7 the court made the following order:-

The CMP is filed to clarify the Judgment passed by this Court. The Suit apparently has been filed for seeking a right of pathway over the defendants/respondents property. This Court vide Judgment dated 15.06.2012 had categorically held that the plaintiff would be entitled to a pathway having width of 18 Links and no pathway on the south east and lenth of 25 Links East-West direction path on North-South.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned Counsel appearing for the plaintiff submits that



he wants some clarification on this aspect since according to him the respondents/defendants mis-construed the said portion of the Judgment of this Court and prays to narrow down the width on the eastern side of the pathway.

3. Be it known to both sides that this Court has passed the Judgment only on an undertaking that there would be a width of 18 feet both on East West and running to length of 25 Links and this is already categorically stated in the Judgment itself and this Court cannot reiterate as such as there is no ground to clarify anything. Further as already stated the reiteration of the decision already declared in the Judgment of this Court is held sufficient to that issue.

4. Accordingly, the CMP is closed.

sd/-
27/04/2017

/ TRUE COPY /

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

TO

1 THE SUBODINATE JUDGE, PADMANABHAPURAM

2 THE PRINCIPAL DISTRICT MUNSIF, PADMANABHAPURAM

+1cc to MR.RM.SIVAKUMAR, Advocate in SR.No. 21270

GJM/MSA/SAR-3-24.5.17-2P-4C

ORDER
IN
CMP (MD) No.3731 of 2017
IN
SA No.978 of 2003
Date :27/04/2017