



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

Tuesday, the Twenty Eighth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.2403 of 2016
IN
SA(MD) No.322 of 2004

A. SUBRAMANIAN ... PETITIONER/APPELLANT

Vs

1 PASUNKILI

2 J.SORNAM

3 A.RAMACHANDDRAN

4 M. GOMATHI ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to demolish the 2nd item of suit property which is more fully described in the schedule 2 of the suit property.

PRAYER IN SA(MD) No.322 of 2004:-

Memorandum of Second Appeal against the judgment and decree made in A.S.No.154 of 2003 dated 19.03.2004 on the file of the I Additional District Judge, Tirunelveli modifying the judgment and decree made in O.S.No.351 of 1998 dated 03.04.2003 on the file of the II Additional Subordinate Judge, Tirunelveli.

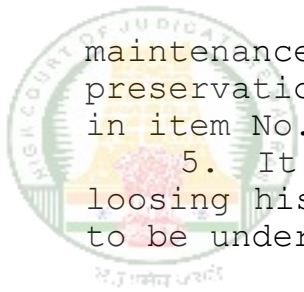
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. M.V.VENKATASESHAN, Advocate for the petitioner and of the respondent not appeared in person or by an advocate, the court made the following order:-

This petition, seeking permission of this Court to repair the residential building, item No.2 in the plaint schedule, has come up for hearing today.

2. None appeared for the respondents before this Court.

3.The learned counsel for the petitioner circulated photographs to show a deep crack in the wall of the property, endangering life of the inhabitants of the house.

<https://hcservices.ecourts.gov.in/hcservices/>
4. Taking into account the overall picture of the matter, the petitioner/appellant is permitted to carry out such necessary



maintenance work, which will be just and necessary for the preservation of the subject matter of the building, namely building in item No.2 of the plaint schedule.

5. It is made clear that in the eventually the petitioner loosing his appeal, he will not be entitled to costs of the repairs to be undertaken.

sd/-
28/03/2017

/ TRUE COPY /

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

TO

1 THE I ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.

2 THE II ADDITIONAL SUBORDINATE JUDGE, TIRUNELVELI.

+1 cc to M/S. M.V.VENKATASESHAN, ADVOCATE, SR No. 18588

Er

CSL/PM-PN/SAR-II/07.04.2017 : 2P/4C

ORDER
IN
CMP (MD) No.2403 of 2016
IN
SA (MD) No.322 of 2004
Date :28/03/2017