



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday the thirteenth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

THE HONOURABLE MS.JUSTICE R.N.MANJULA

A.S.(MD)No.15 of 2017

M.Anuratha

... Appellant/Plaintiff

Vs.

Senthil (Died)

1.R.Usharani

2.N.Rajeswari

3.R.Santhi

4.R.Duraipandian

5.R.Thirugnanam

6.S.Chithira

7.R.Sumathi

8.Senthamarai

9.Minor Padmalakshmi

(Rep. by her Mother 8th

Respondent/Senthamarai)

... Respondents/Defendants 2 to 10

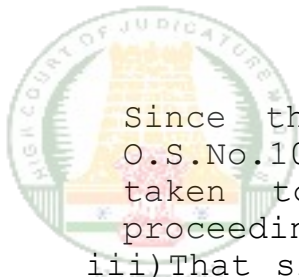
Prayer : Appeal Suit filed under Order 41 Rule 1 r/w. Section 96 of Civil Procedure Code, against the judgment and decree passed in O.S.No.13 of 2013 on the file of Additional District Court (Fast Track Court), Kumbakonam dated 29.11.2016.

DECREE: This Appeal Suit is coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Trial Court the material papers in the suit and upon hearing the arguments of Mr.V.K.Vijayaragavan, Advocate for the Appellant, Mr.M.V.Santharaman, Advocate for Respondents No. 2 to 7, Mr.S.Srinivasa Raghavan, Advocate for Respondent No.8, while allowing the Appeal Suit, this Court doth order and decree as follows:

i)that the judgment and decree passed in O.S.No.13 of 2013 on the file of Additional District Court (Fast Track Court), Kumbakonam dated 29.11.2016, be and hereby is set aside.

ii)that the matter is remitted back to the file of the learned trial Judge for considering the materials afresh and delivering the

<https://hcservices.hcsonline.in/laservices/judgements/> the disposal of the suit in O.S.No.105 of 2013.



Since the Government also seems to be a necessary party in O.S.No.105 of 2013, it is advisable that appropriate steps be taken to implead the Government as a party to the above proceedings.

iii) That since the trial is already concluded, it is not obligatory on the part of the learned trial Judge to try the suit afresh.

iv) that it is open to the learned trial Judge to deliver the judgment basing on the evidence already recorded and the evidence already received. However, the judgment in this suit should be delivered only after the disposal of O.S.No.105 of 2013.

v) that there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Additional District Judge, (Fast Track Court),
Kumbakonam.

Copy to

1.The Principal Sub Judge, Kumbakonam.

2.The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+6 ccs to M/s.T.R.Subramanian, Advc, SR 19055, 20172

+1 cc to M/s.V.K.Vijayaragavan Advc, SR19461

+1 cc to M/s.S.Srinivasa Raghavan, Advc, SR18797

DATED : 13.04.2022

DECREE

AS (MD). No.15 of 2017

Nature of Decree:- Allowing the Appeal suit preferred against the against the judgment and decree passed in O.S.No.13 of 2013 on the file of Additional District Court (Fast Track Court), Kumbakonam dated 29.11.2016, etc., as stated therein