



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Eleventh day of September Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

SECOND APPEAL (MD) No.34 of 2014

Gomathiyammal

... Appellant /1st Defendant

Vs.

1.Nallathayammal

2.Sudalaiyandi

3.M.Varadharaja Perumal

4.M.Venkatachalam

5.M.Krishnan

... Respondents/ Plaintiffs

Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 18.03.2010, made in A.S.No.78 of 2009 by the learned Additional Subordinate Judge, Tirunelveli, dismissing the cross appeal and partially allowing the appeal by reversing the judgment and decree, dated 01.10.2009, passed in O.S.No.662 of 2003 by the II-Additional District Munsif, Tirunelveli.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of appeal, the order of the Appellate Court and the Court of first instance and the material papers in the Appeal and upon hearing the arguments of Mr.H.Arumugam, Advocate for the Appellant and of Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi, Advocate for Respondent, and this Court, allowing the Appeal in part, doth order and decree as follows:-

(i)the judgment and decree of the Additional Subordinate Judge, Tirunelveli dated 18.03.2010, made in A.S.No. 78 of 2009 be and hereby are set aside;

(ii)that the judgment and decree of the II Additional District Munsif, Tirunelveli dated 01.10.2009 made in O.S.No.662 of 2003 be and hereby are restored;

(iii)that there shall be no costs in the Second Appeal.

Sd/-

Assistant Registrar(Crl.Side)



To

1.The Additional Subordinate Judge, Tirunelveli.

2.The II-Additional District Munsif, Tirunelveli.

WEB COPY

Copy to:

The Section Officer
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.H.Arumugam, Advocate, SR.No. 78202

+1CC to Mr.D.Nallathambi, Advocate, SR.No.78061

ORDER DATED : 11.09.2017

DECREE

SECOND APPEAL (MD) No.34 of 2014

Nature of DECREE:Allowing the Appeal in part, and preferred against the Judgement and decree of the Additional Subordinate Judge, Tirunelveli dated 18.03.2010 made in A.S.No.78 of 2009 etc., as stated therein.

gcg

AM/SV MMS/SAR 1/05.10.2017/2P/6C