



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Thirtieth day of January Two Thousand Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

S.A.(MD)No.742 of 2011

Mohideen Fathima ..Appellant/Appellant/Plaintiff

Vs.

1.Mounasami ...1st Respondent/1st Respondent/3rd Defendant

2.Sivagami Ammal

3.Ganapathy Ammal

4.Subbammal @ Stella

5.Subbulakshmi ... Respondents 2 to 5/Respondents 2 to 5/
Defendants 4 to 7

6.Mariammal

7.Mouna Thangaraj

8.Minor.Ganesh

minor 8th respondent through

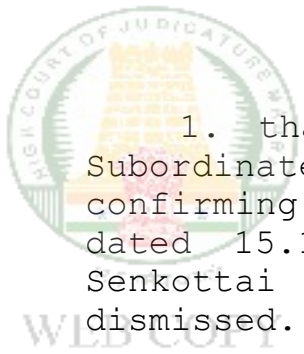
his minor and guardian 6th

respondent herein. ..Respondents 6 to 8/Respondents 6 to 8/
3rd parties and L.Rs of the 1st defendant

(Respondents 3,5 to 7 were set exparte in the lower court, hence
service of notice to them may be dispensed with)

Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree passed in A.S.No. 6 of 2010, dated 30.11.2010, on the file of the Additional Subordinate Judge, Tenkasi, confirming the judgment and decree made in O.S.No.47 of 2005, dated 15.12.2009 on the file of the District Munsif Court, Senkottai.

DECREE: This Second Appeal is coming on for hearing on 23rd January 2017 and upon perusing the grounds of Appeal, the Judgments and Decrees of the Lower Appellate Court and the Court of first instance and the material papers in the suit and upon hearing the arguments of Mr.V.Meenakshi Sundaram, Advocate for Mr.D.Nallathambi, Advocate for the Appellant, and Mr.S.S.Thesigan, Advocate for the 1st respondent and Mr.M.S.Suresh Kumar, Advocate for respondents 2 and 4 and the respondents 3,5 to 7 are exparte before the courts below and the 8th respondent is minor and this Court doth order and decree as follows:



1. that the Judgment and Decree passed by the Additional Subordinate Judge, Tenkasi in A.S.No.6 of 2010, dated 30.11.2010 confirming the Judgment and Decree made in O.S.No. 47 of 2005 dated 15.12.2009 on the file of the District Munsif Court, Senkottai be and hereby is confirmed and this Second Appeal is dismissed.

2. that the appellant/Plaintiff shall file a final decree application in respect of his undivided 1/8 share in the suit property within a period of two months from the date of receipt of a copy of the Judgment.

3. that there be no costs in this Second Appeal.

Sd/

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The Additional Subordinate Judge, Tenkasi

2. The District Munsif, Senkottai.

Copy to: The Section Officer,
V.R.Section,
Madurai Bench of Madras High court, Madurai.

+1CC to M/S. M.S.Suresh Kumar, Advocate, SR.No. 5066
+1CC to M/S. D.Nallathambi, Advocate, SR.No. 4897

ORDER DATED : 30.01.2017

DECREE

S.A.(MD)No.742 of 2011

Dismissing the appeal preferred against the judgment and decree passed in A.S.No. 6 of 2010, dated 30.11.2010, on the file of the Additional Subordinate Court, Tenkasi, Confirming the judgment and decree dated 15.12.2009 passed in O.S.No. 7 of 2005 on the file of the District Munsif Court, Senkottai.