



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(*) Thursday, the Fifth day of January Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Second Appeal (MD) No.639 of 2013

1.Parvathi
2.Nageswari
3.Subramonian@Ayyappan
4.Parameswaram @ Bhaskar
5.Dhayanandan
6.Minor Ramji
7.Minor Rajesh

:Appellants/Appellants/Defendants
2 to 5,8,9&10

(Minors 6 and 7 are represented by the third appellant viz.,
Subramonian @ Ayyappan)

.vs.

1.C.Nagaru Pillai

:1st Respondent/1st Respondent/
Plaintiff

2.Umapathi @ Umayaparvathi

3.K.Kathiravan

:Respondent 2 & 3/Respondents 2 & 3/
Defendants 7 & 11

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.12 of 2012, dated 04.07.2013 on the file of the II Additional Subordinate Judge at Nagercoil, confirming the judgment and decree passed in O.S.No.223 of 2004, dated 12.08.2011 on the file of the Principal District Munsif, Nagercoil.

DECREE: This Second appeal is coming on for hearing on 21.11.2016 and upon perusing the grounds of appeal, the judgment 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.M.P.Senthil, Advocate for appellant and Mr.N.Sivakumar, Advocate for 1st respondent and the respondents 2 and 3 notice having been dispensed with and having stood over for consideration till this day, this court doth order and decree as follows:-

i)that the judgment and decree passed by the II Additional Subordinate Judge at Nagercoil in A.S.No.12 of 2012, dated 04.07.2013, confirming the judgment and decree made in O.S.No.223 of 2004, dated 12.08.2011 on the file of the Principal District Munsif, Nagercoil be and hereby confirmed and this second appeal



ii)that the appellants, be and hereby are given time till May, 2017, for vacating and handing over possession of the suit property and no further extension of time will be granted beyond May, 2017.

iii)that the appellants be and hereby are directed to file an affidavit of undertaking through any one of the appellant within a period of two weeks from this date and failing which the benefit of granting time shall not be availed by the appellants.

iv)that there no costs in this second appeal.

Sd/-

Assistant Registrar(AE)

/True Copy/

(*)Corrected Order.

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

(*)To be substituted for the order already despatched.

- 1.The II Additional Subordinate Judge at Nagercoil.
- 2.The Principal District Munsif, Nagercoil.

Copy to:The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.N.Sivakumar, Advocate in SR.1066

+1cc to M/s.M.P.Senthil, Advocate in SR.1016

ORDER DATED 05.01.2017

DECREE

SA(MD)No.639 OF 2013

Nature of Decree: Dismissing the second appeal preferred against the judgment and decree passed in AS.No.12 of 2012 on the file of the II Additional Subordinate Judge at Nagercoil dated 04.07.2013 and giving directions etc., as stated within.

PBK/MPA-EM/SAR-3 10/01/2017 ::2P-6C:

PBK 18/01/2017 ::2P-6C: