

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

Second Appeal No.640 of 2001

- 1.G.Rajamoorthi (Deceased)
- 2.G.Pannerselvam
- 3.Rajeswari
- 4.Sudha
- 5.Manjula
- 6.Sundari
- 7.Sathyadevi
- 8.Minor Vasudevi
- 9.Minor Vasudev

(Minors Appellants 8 & 9 are represented by their mother and next friend 7th petitioner Sathyadevi vide order of Court dated 12.12.2017 made in C.M.P.No.21499 of 2017 in S.A.No.640 of 2001)

(Appellants 3 to 9 brought on record as LR's of the deceased 1st appellant vide order of Court dated 12.12.2017 made in C.M.P.No.21496 to 21498 of 2017 in S.A.No.640 of 2001)

... Appellants / Plaintiffs

सत्यमेव जयते
Vs.

- 1.Sanjeevi Ammal
- 2.R.Narayanasamy
- 3.R.Ramadas
- 4.Neelakandan
- 5.Ramamoorthy
- 6.Rajadurai
- 7.Rajakumari
- 8.Janaki

... Respondents/Defendants

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree passed by the Additional Sub Court Mayiladuthurai, made in A.S.No.91 of 1995

dated 25.1.2000, confirming the Judgment and Decree of the Principal District Munsif Court, Mayiladuthurai made in O.S.No.781 of 1987 dated 29.6.1995.

For Appellant : Mr.S.Sounthar

For R1 : Mrs.Sanjeevi Ammal

For R2, R4 to R6
& R8 : Mr.A.Muthukumar

For R7 : Ms.Rajakumari

For R3 : Mr.R.Ramadas

J U D G E M E N T

This Second Appeal has been filed against the Judgment and Decree passed by the Additional Sub Court Mayiladuthurai, made in A.S.No.91 of 1995 dated 25.1.2000, confirming the Judgment and Decree of the Principal District Munsif Court, Mayiladuthurai made in O.S.No.781 of 1987 dated 29.6.1995.

2.The learned counsel appearing for the appellants/plaintiffs would submit that the suit was filed by the appellants/plaintiffs for recovery of possession, based on the un-registered documents. Subsequent to the disposal of the suit, the un-registered document was registered by the competent persons. However, the Lower Appellate Court without considering those documents dismissed the First Appeal, as against the concurrent findings the Second Appeal is filed before this Court in order to render justice. Hence, this Court may grant liberty to the appellant to file a fresh suit before the Lower Court.

3.Accordingly, the order of the Lower Court as well as Lower Appellate Court is confirmed and liberty is granted to the appellant to file a fresh suit since after the verdict on the suit, the document was registered. Based on the registered document, the appellant is granted liberty to file a fresh suit, if so advised.

4.With the above observation the Second Appeal stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Additional Subordinate Judge
Mayilduthurari.

2.The Principal District Munsif Court,
Mayilduthurari.

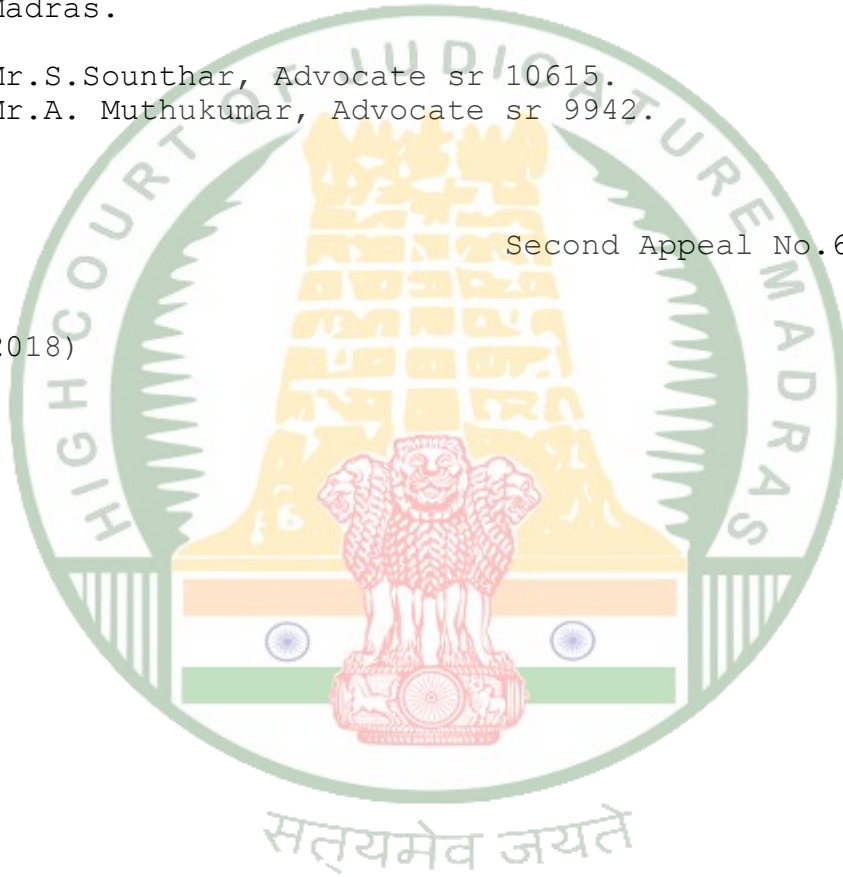
3.The Section Officer,
V.R. Section,
Court, Madras.

+1 CC to Mr.S.Sounthar, Advocate sr 10615.

+1 CC to Mr.A. Muthukumar, Advocate sr 9942.

Second Appeal No.640 of 2001

SV(CO)
SP(27/03/2018)



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