



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Tuesday, the Twentieth day of March Two Thousand and Eighteen
PRESENT
The Hon`ble Mr.Justice S.S.SUNDAR
AS (MD) No.42 of 2017

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R.Sivagurunathan : Appellant / 7th Defendant

-Vs-.

1.R.Ulaga Nayagi	
2.Minor Muthusankar	: 1 st & 2 nd Respondents/Plaintiffs
Muthusamy (Died)	: 1 st Defendant
3.Kuzhalvai Mozhi	
4.Palaniappan	
5.Ramalakshmi	
6.Vijaya	
7.Gurunathan	: Respondents 3 to 7/ Defendants 2 to 6

(Minor 2nd respondent represented through his mother and next friend of 1st respondent herein)

Appeal Suit filed under Section 96 of Civil Procedure Code, against the Judgment and Decree made in O.S.No.97 of 2010, dated 15.11.2016, on the file of the Principal District Judge, Tirunelveli.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Lower Court and the material records in the case and upon hearing the arguments of Mr.M.Thirunavukarasu for M/s.H.Arumugam, Advocate for the Appellant and of Mr.V.Meenakshi Sundaram, Advocate for the first and second Respondents and the respondents 3 to 7 have not appeared either in person or by an Advocate, this court while allowing the appeal, doth order and decree as follows:-

i) that, clause (2) of the decree of the Principal District Judge, Tirunelveli be and hereby is modified to the effect that preliminary decree is passed in favour of the plaintiffs for partition of their 1/24 share each in respect of the first item of third schedule;

ii) that, the plaintiffs are not entitled to any relief in respect of any portion of second item of third schedule and the suit in respect of second item of third schedule is dismissed;

iii) that, since the subject matter of this appeal is confined to the second item of third schedule in the suit, the rights of the plaintiffs in respect of other items as against the other parties in the suit is not affected by this judgment and it is open to the plaintiffs to prefer an independent appeal as against any portion of the decree which is against them; and



iv) that, there be no costs in this Appeal Suit.

***** Schedule of Property is attached in a separate sheet**

WEB COPY

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge, Tirunelveli.

Copy to

The Section Officer, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.H.Arumugam, Advocate Sr.No.56396

+1cc to Mr.D.Nallathambi, Advocate Sr.No.56722

VB/KKR/SAR2/06.06.2018/2P/6C

DATED :20/03/2018

DECREE

AS(MD) No.42 of 2017

Allowing the appeal preferred against the judgment and decree of the Principal District Judge, Tirunelveli, dated 15.11.2016, made in O.S.No.97 of 2010.