



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Nineteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

SA(MD) No.78 of 2018

1.R.Sivakumar
2.S.Sathya Vino

: Appellants / Appellants / Plaintiffs

-Vs-

1.M.Thyagarajan
2.M.Vidya
3.M.Siva Prakash
4.M.Punitha
5.R.J.K.Thilak

: Respondents/Respondents /

Defendants 1 to 5

Second Appeal filed under Section 100 of C.P.C., Praying to allow the above Second Appeal and consequently set aside the decree and Judgment of the First Additional Subordinate Judge at Nagercoil, Kanyakumari District made in A.S.No.68 of 2015 dated 17.09.2016 confirming the decree and Judgment of the Principal District Munsif, Nagercoi, Kanyakumari District, Dated 27.10.2015 made in O.S.No.185 of 2011 of dismissing the suit having been filed by the appellants/appellants / plaintiffs for the relief of declaration declaring the customary right of using the plaint schedule property as burial ground by the plaintiffs and their community people for the burial of the dead persons and consequential permanent injunction restraining the respondents / respondents / defendants from obstructing their right of making use of plaint schedule property for burying their dead and also further restraining the respondents / respondents / defendants from demolishing or erasing the existing tombs in the said property forthwith.

DECREE : This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.S.Palanivelayutham, Advocate for appearing for the Appellants and of Mr.T.Lajapathi Roy, Advocate appearing for the Respondents, while this Court dismissing the Second Appeal, doth order and decree as follows :

i) that the Judgment and Decree of the First Additional Subordinate Judge at Nagercoil, Kanyakumari, dated 17.09.2016 made in A.S.No.68 of 2015, confirming the Judgment and decree, of the Principal District Munsif, Nagercoil, Kanyakumari, Dated 27.10.2015 made in O.S.No.185 of 2011, be and hereby are confirmed and the Second Appeal is Dismissed and:



ii) that there be no costs in the Second Appeal.

sd/
Assistant Registrar (CS-III)

WEB COPY

/True Copy/

Sub Assistant Registrar

SRM

To

1.The First Additional Subordinate Judge at Nagercoil,
Kanyakumari District.

2.The Principle District Munsif Court, Nagercoil.
Kanyakumari District.

Copy to : The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2Copies)

+1cc to Mr.S.Palani Velayutham, Advocate in SR.No. 62349
+1cc to Mr.T.Lajapathi Roy, Advocate in SR.No.62688

GJM/SKN/RSK/SAR-4-5.6.18-7p-8c

ORDER DATED : 19.04.2018

DECREE

SA(MD) No.78 of 2018

Nature of Decree : Dismissing the Appeal preferred against the Judgment and Decree of the First Additional Subordinate Judge at Nagercoil, Kanyakumari District, Dated 17.09.2016 made in A.S.No.68 of 2015, confirming the Decree and Judgment of the Principal District Munsif, Nagercoil dated 27.10.2015 made in O.S.No.185 of 2011.