



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of December Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

SA(MD) . No.193 of 2011

A.GOVINDARAJAN, ... Appellant/Respondent/Plaintiff

Vs

1 C.MANONMANI

2 TIRUCHIRAPPALLI CITY CORPORATION,
THROUGH ITS ZONAL OFFICER,
SRIRENGAM, TIRUCHIRAPPALLI.

...2nd Respondent/2nd Respondent/
2nd Defendants

Prayer:-

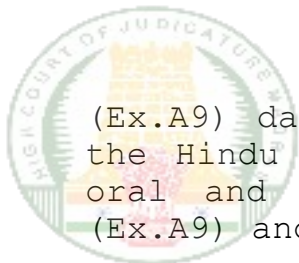
Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II ADDITIONAL SUB JUDGE, TIRUCHIRAPPALLI, dated 24/09/2010 made in AS No.61 of 2005, preferred against the judgment and decree of the I ADDITIONAL DISTRICT MUNSIF, TIRUCHIRAPPALLI, made in OS.No.27/1996 dated 23/11/2004

DECREE:-

This Second Appeal coming upon on this date 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 appeal and upon hearing the arguments of MR.D.KANAGASABAI, Advocate for the Appellant and of MR.RAGUVARAN GOPALAN, Advocate for the first respondent, and the 2nd respndent not appeared either in person or by an Advocate, this Court doth order and decree as follows:

(1) That the Judgment and Decree of the learned II Additional Subordinate Judge, Tiruchirapalli in A.S.No.61 of 2005, dated 24.09.2010 be and hereby is set aside and the same is remitted back to the file of the trial court, namely, The I Additional District Munsif, Tiruchirappalli.

(2) That the learned trial Judge is directed to decide the suit in
<https://hccs.judges.gov.in/cselv09/6> by framing necessary issues in respect of the will



(Ex.A9) dated 14.09.1946 and the applicability of section 14(1) of the Hindu Succession Act, 1946, by permitting the parties to lead oral and documentary evidence, if any, in respect of the will (Ex.A9) and ;

(3) That the learned trial judge is further directed to dispose of the suit within a period of six months from the date of receipt of the order, considering the fact that the suit is of the year 1996 and report the same to this court; and

(4) That there be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. THE II ADDITIONAL SUB JUDGE, TIRUCHIRAPPALLI
2. THE I ADDITIONAL DISTRICT MUNSIF, TIRUCHIRAPPALLI

Copy to:

1. The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.S.KADARKARAI, Advocate (SR-99987 dated 12/12/2018)
+1 CC to M/s.D.KANAGASABAI, Advocate (SR-100217 dated 13/12/2018)

ORDER DATED : 12/12/2018

DECREE

SA(MD). No.193 of 2011

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the II Additional Subordinate Judge, Tiruchirappalli, in AS.61 of 2005 dated 24/09/2010 reversing the Judgement and Decree of the I Additional District Munsif, Tiruchirappalli etc., as stated within.

KMK (CO)