



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Wednesday, the Twenty Ninth day of August, Two Thousand and
Eighteen
present

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
Second Appeal(MD)Nos.73 of 2011

WEB COPY

1.Bagavathi Asari (Died)
Arunachalam Asari (Died)
2.Chellammal
3.B.Madasamy
4.B.Muthulakshmi
5.B.Thangammal :Appellants /Appellants/ Plaintiffs

-Vs-

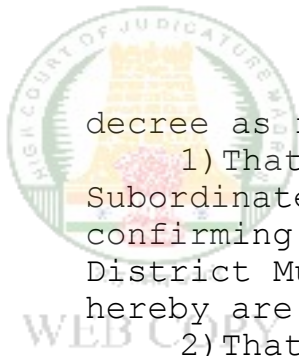
1.Lekshmi
2.Subramonian (Died)
3.Kumar
4.Monickam
5.Muthu
6.Thangammal
7.Mariammal
8.Rajammal
9.Sasikumar
10.Latha
11.Raja
12.Suresh
13.Kannan : Respondents/ Respondents / Defendants

(Appellants 3 to 5 brought on record as legal representatives of the deceased 1st appellant vide order dated 01.02.2017 made in MP(MD)No.1 of 2014 in S.A(MD)No.73 of 2011).

(Respondents 8 to 13 brought on record as legal representatives of the deceased second respondent vide order dated 22.03.2016 made in MP(MD)Nos.1 to 4 of 2011 in S.A(MD)No.73 of 2011).

Second Appeal filed under Section 100 of Civil Procedure Code, against the Decree of the Principal Subordinate Judge, Nagercoil, dated 26.10.2009 in Appeal Suit No.26 of 2008 preferred against the Decree of the Court of the I Additional District Munsif of Nagercoil in Original Suit No.14 of 2006 dated 02.01.2008.

DECREE: This Second Appeal coming on for hearing on Monday, the Twentieth day of August,2018, under provisions of Rule II of Order XLI of Schedule I of the Code of Civil Procedure 1908, upon perusing the Grounds of Instance and upon hearing the arguments of Mr.N.Sivakumar,Advocate for the Appellants, and the Respondents No.1,3,4,5 and 7 to 13 not appearing either in person or by an advocate, and having stood over for consideration till this day, this Court while partly allowing this Second Appeal doth order and



decree as follows:

1) That the Judgment and decree passed by the Principal Subordinate Judge, Nagercoil, in A.S.No.26/2008 dated 26.10.2009 by confirming the Judgment and decree passed by the I Additional District Munsif, Nagercoil in O.S.No.14/2006 dated 02.01.2008 be and hereby are set aside and the Second Appeal is partly allowed.

2) That the Sharers do get their shares in the following manner:

- | | |
|----------------------|-----------------------------------|
| 1) Bhagavathi Asari | 9/24 (Ist Appellant) |
| 2) Lakshmi | 9/24 (Ist Respondent) |
| 3) Subramonian Asari | 1/24 (2 nd Respondent) |
| 4) Kumar | 1/24 (3 rd Respondent) |
| 5) Monickam | 1/24 (4 th Respondent) |
| 6) Muthu | 1/24 (5 th Respondent) |
| 7) Thangammal | 1/24 (6 th Respondent) |
| 8) Mariammal | 1/24 (7 th Respondent) |

3) That the Suit in O.s.No.14/2006 on the file of the I Additional District Munsif, Nagercoil filed for $\frac{1}{2}$ Share Partition, and Separate Possession is partly decreed.

4) That there be no costs in this Second Appeal.

Schedule of Property

(*) Attached vide Separate Sheet

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The I Additional Subordinate Judge, Nagercoil.
2. The Principal District Munsif, Nagercoil.
3. The Principal Subordinate Judge, Nagercoil.

Copy to:

The Record Keeper,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.N.SIVAKUMAR, Advocate, SR.No.81442

DATED: 29.8.2018

DECREE

Second Appeal (MD) No.73 of 2011
NATURE OF THE DECREE: Partly
Allowing the Second Appeal
preferred against the decree of
the Principal Sub Judge,
Nagercoil in A.S.No.26 of 2008
dated 26.10.2009 etc., as
stated within.