



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, The Twenty Third day of November, Two Thousand and Eighteen  
present

THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
Second Appeal (MD) No.183 of 2013

WEB COPY

1.Natarajan (Died)  
2.Vellappandi  
3.Velammal  
4.Velliammal : Appellants 1 to 5/Appellants/Plaintiffs  
5.Murugan  
6.Rajammal  
7.Lakshmi  
8.Balamurugan  
9.Mari  
10.Sangili Poothathammal  
11.Madasamy : Appellants Nos.6 to 11  
(Appellants 6 to 11 were brought on record as legal heirs of the deceased first appellant, vide order dated 28.03.2014 in M.P(MD) Nos.3 to 4 of 2013)

-Vs-

1.Shanmugavel  
2.Meena Raja  
3.Gandhi  
4.Raj : Respondents/Respondents/Defendants

This Second Appeal is filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the Court of the Subordinate Judge, Ambasamudram dated 29.06.2012 made in A.S.No.21 of 2010 confirming the Judgment and Decree of the Court of the District Munsif, Cheranmahadevi dated 18.01.2010 made in O.S.No.17 of 2005.

ORDER: This Second Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Appellate Court and the Court of First Instance, the material papers available to the suit and upon hearing the arguments of Mr.F.X.Eugene, Advocate for the Appellants, Mr.N.Ga.Nataraj, Advocate for the first Respondent, Mr.P.Santhakrishnan, Advocate for the third Respondent, and of Mr.D.Saravanan, Advocate for the Fourth Respondent and the Second Respondent herein not appearing either in person or through Advocate, this Court while allowing the Appeal, doth order and decree as follows:

1.That the Judgment and decree dated 29.06.2012 passed in A.S.No.21 of 2010 on the file of the Subordinate Court, Ambasamudram and the Judgment and decree dated 18.01.2010 passed O.S.No.17 of 2005 on the file of the District Munsif Court, Cheranmahadevi be and hereby are set aside and the Second Appeal is remitted back to the District Munsif Court, Cheranmahadevi;

<https://hcservices.ecourts.gov.in/hcservices/>  
2.That the Parties to the Proceedings shall appear before the Trial Court on 20.12.2018 and the Trial Court be and hereby is



directed to dispose of the suit within a period of Six months from the date of receipt of a copy of this judgment, in the light of the observations and directions contained in the judgment;

3.And that there be no costs in this Second Appeal.

(\*)Schedule of Property is attached  
vide Separate Sheet

Sd/  
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Subordinate Judge, Ambasamudram.

2.The District Munsif, Cheranmahadevi.

Copy to:

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

+1cc to Mr.N.GA.NATRAJ, Advocate, SR.No. 96909

+1cc to Mr.F.X.Eugene, Advocate, SR.No.96875

DATED:23.11.2018

DECREE

Second Appeal(MD)No.183 of 2013

NATURE OF THE DECREE:

Allowing the Appeal preferred against the Judgment and Decree dated 29.06.2012 in A.S.No.21 of 2010 on the file of the Subordianate Court, Ambasamudram confirming the Judgment and Decree dated 18.01.2010 in O.S.No.17/2005 on the file of the District Munsif Court, Chranmahadevi.

CMR

KK/RSK/SAR-2/11.12.2018/4P-7C