



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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

SA(MD) . No.217 of 2009

A.PITCHUMANI CHETTIAR, ... Appellant/1st Respondent/1st Plaintiff

Vs

1 VASANTHAKUMARI ... 1st Respondent/Appellant/6th Defendant

2 P.NATARAJAN CHETTIAR ... 2nd Respondent/2nd Respondent/
2nd Plaintiff

3 THE STATE OF TAMIL NADU
REP. BY THE DISTRICT COLLECTOR, COLLECTORATE,,
TRICHY..

4 THE TAHSILDAR
TALUK OFFICE, LALGUDI TALUK AND TOWN, TRICHY,
DISTRICT..

5 THE VILLAGE ADMINISTRATIVE
OFFICER, 29-1, KANNANUR WEST, SAMAYAPURAM,,
TRICHY DISTRICT..

6 VASANTHAKUMARI (EXONORATED DT. 20.01.2003) ..

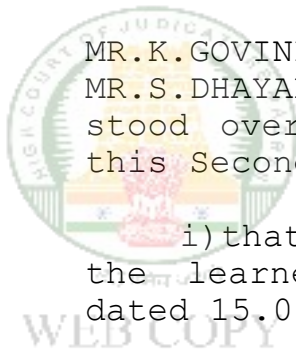
7 THE TAHSILDAR
MANACHANALLUR TALUK, MANACHANALLUR TOWN,,
TRICHY DISTRICT..

(r6-Set Ex-parte)

... Respondent 3 to 7/Defendants 1 to 5

Prayer:- Second Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree of the Sub Judge, Trichy, dated 15/04/2008 made in AS.No.104 of 2006, reversing the judgment and decree of the District Munsif Court, Lalgudi made in OS.No.470 of 1996 dated 20/03/2006.

DECREE:- Second Appeal is coming on for hearing on Friday, this Fifth day of April, Two Thousand and Nineteen, 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 Suit and upon hearing the arguments of Mr.R.BASKARAN, Advocate for the Appellant and of MR.S.PARTHASARATHY SENIOR COUNSEL FOR



MR.K.GOVINDARAJAN, Advocate for the 1st respondent and of MR.S.DHAYALAN, Advocate for the respondents 3 to 5 and 7 and having stood over consideration till this day this Court while Allowing this Second Appeal, this Court doth order and decree as follows:-

i) that the judgment and decree passed in AS.No.104 of 2006 by the learned First Additional Subordinate Judge, Tiruchirappalli dated 15.04.2008 be and hereby is set aside;

ii) that the judgment and decree of the Trial Court passed the OS.No.470 of 1996, on the file of the learned District Munsif-cum-Judicial Magistrate, Lalgudi, be and hereby are restored; and

iii) that there be no order as to costs in this Second Appeal

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

TO

1. SUB JUDGE TRICHY

2. DISTRICT MUNSIF COURT LALGUDI

Copy to : The Section Officer,

Madurai Bench of Madras High Court, Madurai.(2 copies)

ORDER DATED : 05/07/2019

=====

DECREE

=====

SA(MD) . No.217 of 2009

Allowing the Second Appeal preferred against the judgment and decree of the First Additional Sub Judge, Trichy, dated 15/04/2008 made in AS.No.104 of 2006, reversing the judgment and decree of the District Munsif Court, Lalgudi made in OS.No.470 of 1996 dated 20/03/2006. as stated within.

NA (05.08.2019) 2P : 5c