



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

SA(MD) . No.606 of 2013

SAMPOORNAM

... Appellant/ Appellant /Plaintiff

Vs

1 PALANIAMMAL,

2 KAMAKSHI,

3 MURUGESAN,

4 DEVARAJAN,

5 KARUPPANNAN,

6 RAJENDRAN,

7 KALIMUTHU,

... Respondents/Respondents/Defendants

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 12.04.2013, in A.S.No.1 of 2013 on the file of the Principal District Judge,Tiruchirappalli confirming the judgment and decree of the I Additional Sub Judge, made in Original Suit No.320 of 2007 dated 20.11.2012

DECREE:- This Second Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the judgments and decree 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. P.VALLIAPPAN, Advocate for the Appellant and of Mr.A.R.L.SUNDARESAN, SENIOR COUNSEL, FOR Ms.A.L.GANTHIMATHI, for the first and Seventh respondents and Mr.P.SANTHOSH KUMAR, Advocate for the respondents two to Six, this Court doth order and decree as follows:-

(1) That the Judgment and Decree, dated 12.04.2013, made in A.S.No. 1 of 2013 on the file of the Principal District Judge, Tiruchirappalli by confirming the Judgment and Decree dated



20.11.2012 and made in O.S. No.320 of 2007 on the file of the I Additional Sub Judge, Tiruchirappalli be and hereby are set aside;

(2) That the Second Appeal be and hereby is disposed of with the liberty to the Appellant to file a fresh suit on the same cause of action within a period of four months from the date of receipt of copy of this judgment

(3) That there be no costs in this Appeal.

Description of Properties

A.Schedule: In Tiruchirapalli District, Ariyalur Registration District in Uppliyapuram Sub District, Thuraiyur Taluk, in Thalugai Village the Lands comprised in

1) S.F.No.862/4D out of Ac.1.05 cents an extent of AC.1.01 cents Bounded as follows:

South of :Muthusamy Gounder's land;

North of :Road passage leads to Sukkalampatti and the land Measuring 38 cents: East

West of :Channel and 3rd item of the lands belonging to Muthusamy Goundar

For the UDR Survey No.862/4D1.

2) S.F.No.862/5 out of Ac.1.39 cents an extent of Ac.0.38 cents Bounded as follows:

North :Road passage leads to Sukkalampatti:

South & East :1st item and

West of :Channel, for this UDR Survey Number is 862/5A1.

3) S.F.No.862/5 An extent of Ac.0.16 cents bounded as follows:

West of :Channel.

East of :1st item and the land belonging to Muthusamy goundar.

South of :The land belonging to Muthusamy Goundar.

Within this a triangle shaped land, For his UDR Survey Number is 862/5A2.

4) S.F.No.873/1A out of Ac.1.58 cents an extent of Ac.1.34 cents Bounded as follows:

South of : Passage leads to Sukkalampatti

East of : Items 5 and 6.

North of : The lands comprised in S.F.No.872/1B1 & 873/2A1

West of :Channel.

5) In the above stated S.F.No.873/1A an extent of Ac.0.21 cents bounded as follows:

South of :passage leading to Sukkilampatti

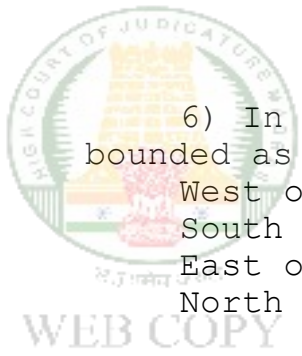
West of :Fourth item

North of :Sixth and Fourth items, and

East of :The lands belonging to Chinnu Boyan.

In this the half share equal, rights in the well and the lands

measuring an extent of 10 1/2 cents:-



6) In the above said S.F.No.873/1a an extent of 1 1/2 cents bounded as follows:

West of :Fourth item,

South of :Fifth item

East of :the lands of Chinnu Boyan and

North of :S.F.No.872/1B2.

7)S.F.No.873/1C out of Ac.0.20 cents an extent of 19 cents bounded as follows:

South of : The land belonging to the appellant herein namely Sampooranam.

East of : Channel

North of :S.F.No.873/2A3 and

West of : The land belonging to Muthaiah Pillai.

Total Extent of all the items is Ac.3.20 cents as per the sale deed.

B.Schedule: In Tiruchirapalli District, Ariyalur Registration District in Uppliyapuram Sub District, Thuraiyur Taluk, Thalugai Village, the lands comprised in

1)S.F.No.863/4C2 Ac.0-45 cents within the following four boundaries East of: Cart Track running north to south; NORTH of: the pathway road; SOUTH OF:2nd item and, WEST OF: the land belonging to NATARAJAN.

2)S.F.No.863/4B2 outof Ac.0-60 cents on extent of 58 cents Bounded as follows:

NORTH OF:1st Item, West of the lands belonging to Natarajan,

SOUTH OF:Cart Track running north south road and aside of lake.

Total extent of these two items is Ac.1-03 cents as per the deed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1.The Principal District Judge, Tiruchirappalli

2.The I Additional Sub Judge, Tiruchirappalli

+1cc to Ms.A.L.Ganthimathi, Advocate Sr.No.82594

+1cc to Mr.P.Valliappan, Advocate Sr.No.82942

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies



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SA(MD). No.606 of 2013

ORDER DATED : 21/08/2019

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DECREE

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SA(MD) . No.606 of 2013

Nature of Decree:- Disposing of the Second Appeal preferred against the judgment and decree of the dated 12.04.2013, made in A.S.No. 1 of 2013 on the file of the Principal District Judge, Tiruchirappalli by confirming the Judgment and Decree dated 20.11.2012 and made in O.S. No.320 of 2007 on the file of the I Additional Sub Judge, Tiruchirappalli etc., as stated within.

KK/SAR/28.01.2020/4P-7C/