



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

Thursday, the Fourteenth day of November Two Thousand Nineteen
PRESENT

The Hon'ble Mrs. Justice J. NISHA BANU
CMSA(MD) . No.8 of 2018

WEB COPY

T. KUMARESAN,
S/O. LAE. THANKAIYAN NADAR KOLLEMAVADI ,
KATTIMANKADU PO KURUNTHANCODE VILLAGE ,
KALKULAM TALUK KANYAKUMARI DIST. ... Appellant

Vs

1 STELLABAI
W/O. DEVADHAS, MANKARAIVILAI, ATTOOR VILLAGE,,
KALKULAM TALUK, KANYAKUMARI DIST. T.,

T.MURUGESAN (DIED) .

2 JEYALAKSHMI
W/O. LATE. MURUGESAN, KOLLEMAVADI,,
KATTIMANKADU PO, KURUNTHANCODE VILLAGE,
KALKULAM TALUK, KANYAKUMARI DIST.

3 C. GOVINDAN
S/O. LATE. CHELLAM NADAR, DOOR NO.6-209,
CHADAYALPUTHOOR, VEMBANOOR PO & VILLAGE,
AGASTEESWARAM TK, KANYAKUMARI DIST. ... Respondents

Prayer:- This Civil Miscellaneous Second Appeal is filed under Order 21 Rule 58(4) r/w Section 100 of CPC preferred against the judgment and decree of the District Court, Kanyakumari District at Nagercoil, dated 18/08/2017 made in CMA No.28/2016 reversing the fair and decreetal order dated 21/06/2016 passed in EA No.73 of 2015 in EP No.65 of 2008 in OS No.41 of 2005 by the Subordinate Court, Padmanabhapuram.

DECREE:- This Civil Miscellaneous Second Appeal is coming for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.R.MURUGAN, Advocate for the Appellant and of MR.G.MOHAN KUMAR Advocate for the first respondent and of MR.M.P.SENTHIL Advocate for the third respondent and none appeared on behalf of the second respondent, this Court doth order and decree as follows:-

(1) That the award passed by the District Court, Kanyakumari District at Nagercoil, dated 18/08/2017 made in CMA No.28/2016 reversing the fair and decreetal order dated 21/06/2016 passed in EA No.73 of 2015 in EP No.65 of 2008 in OS No.41 of 2005 by the Subordinate Court, Padmanabhapuram be and hereby is confirmed and the Civil Miscellaneous Second Appeal is dismissed.



(2) That there be no costs in this Civil Miscellaneous Second Appeal.

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// True Copy //

Sd/-

Assistant Registrar ()

/ /2020

Sub Assistant Registrar(CS)

TO

1)The District Judge, Kanyakumari District at Nagercoil

2)The Subordinate Judge, Padmanabhapuram.

+1 CC to Mr.R.MURUGAN, Advocate (SR-98363[F] dated 14/11/2019)

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-98967[F] dated 18/11/2019)

ORDER DATED : 14/11/2019

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DECREE

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CMSA(MD). No.8 of 2018

Nature of Decree:- Dismissing the Civil Miscellaneous Second Appeal preferred against the judgment and decree of the District Court, Kanyakumari District at Nagercoil, dated 18/08/2017 made in CMA No.28/2016 reversing the fair and decreetal order dated 21/06/2016 passed in EA No.73 of 2015 in EP No.65 of 2008 in OS No.41 of 2005 by the Subordinate Court, Padmanabhapuram etc., as stated within.

VB(10.01.2020) 2P 5C