



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

**Thursday, the Twelfth day of September Two Thousand and Nineteen
PRESENT**

The Hon`ble Ms.Justice P.T.ASHA

WEB COPY

SA(MD) . No.164 of 2015

M.C.Vellaisamy (died)

(Defendant in O.S.No.193 of 2004 and
the respondent in A.S.No.159 of 2007)

Cause title amended vide order dated 17.02.2015
made in M.P.No.1 of 2015 in SA.SR(MD)No.58451 of 2014.

- 1.V.Nageshwaran
- 2.V.Pommiammal
- 3.V.Paludurai
- 4.V.Ranjitham
- 5.V.Rathinam
- 6.V.Nagarajan
- 7.C.Ganesh Kumar

... Appellants/Respondents
Defendants

Vs.

S.Ramamoorthy (Died)

- 1.Tmt.R.Chandra
- 2.R.Alangarakannan

... Respondents/ Appellants
Plaintiffs

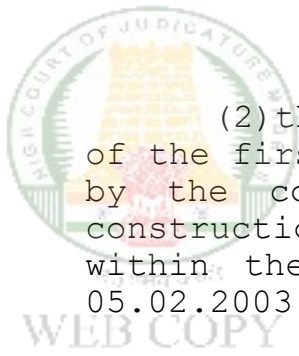
Prayer:

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 25.08.2010 made in Appeal Suit No.159 of 2007 by the Principal Sub Court, Dindigul in reversing the Judgment and Decree dated 15.12.2006 passed by the District Munsif, Nilakkottai in O.S.No.193 of 2004.

DECREE:

This Second Appeal coming on for hearing on this date and 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.V.R.VENKATESAN, Advocate for the Appellants and of Mr.G.ARAVINDAN, Advocate for the respondents, this Court doth order and decree as follows:-

(1)that the Judgment and Decree of the Principal Sub Court, Dindigul, in A.S.No.159 of 2007, dated 25.08.2010, first Appellate Court, be and hereby is set aside and the Second Appeal is allowed.



(2)that this Court while setting aside the Judgment and Decree of the first Appellate Court has also recorded the undertaking given by the counsel for the Plaintiff herein/respondent that any construction being put up by the Plaintiff/respondent would only be within the extent conveyed to him under Ex.A1/ sale deed dated 05.02.2003 and not the extent as given in the patta EX.A5; and

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Sub Court, Dindigul.
- 2.The District Munsif, Nilakkottai.

Copy to:

The Section Officer,V.R. Section,
Madurai Bench of Madras High Court,
Madurai - 2 Copies

+1 CC to M/s.G.ARAVINTHAN, Advocate, SR-86449.

+1 CC to M/s.V.R.VENKATESAN, Advocate, SR-86473.

ORDER DATED : 12/09/2019

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DECREE

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SA(MD) . No.164 of 2015

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree dated 25.08.2010 made in Appeal Suit No.159 of 2007 by the Principal Sub Court, Dindigul in reversing the Judgment and Decree dated 15.12.2006 passed by the District Munsif, Nilakkottai in O.S.No.193 of 2004 etc., as stated within.

CS (05.11.2019) 2P 7C