



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
Friday, the Eleventh day of January Two Thousand and Nineteen
PRESENT

The Hon`ble Mrs.Justice R.THARANI
SA(MD) . No.700 of 2013

S.MUNIASAMY

... Appellant

Vs

1 N.S.NAMBIRAJ
2 S.SUBBIAH
3 V.JEYARANI

... Respondents

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the SUB JUDGE,THOOTHUKUDI , dated 26/11/2012 made in AS.95/2009, preferred against the judgment and decree of the PRINCIPAL DISTRICT MUNSIF.,THOOTHUKUDI made in OS.662/2004 dated 13/10/2008

DECREE:-

This Second Appeal coming on for hearing on Wednesday, Twenty Sixth of September 2018, upon perusing the grounds of Appeal, the judgment and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Second Appeal and upon hearing the arguments of MR.F.X.EUGENE, Advocate for the Appellant and of MR.R.T.AUIVU KUMAR, Advocate for the respondents No.1 and 2 and the 3rd Respondent not appearing, either in person or by an Advocate and having stood over for consideration till this day, and this Court while allowing this Appeal doth order and decree as follows:-

1. That the judgment and decree made in A.S.No.95 of 2009 dated 26.11.2012 on the file of the Subordinate Judge, Thoothukudi be and hereby are set aside and the Second Appeal is allowed.

2. That the judgment and decree made in O.S.No.662 of 2004 dated 13.10.2008 on the file of the Principal District Munsif, Thoothukudi be and hereby are confirmed.

3. That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



Encl.:Xerox Copy of Schedule of Property

TO

1. THE PRINCIPAL DISTRICT MUNSIF.,THOOTHUKUDI

2. THE SUB JUDGE,THOOTHUKUDI

WEB COPY

Copy to:

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

ORDER DATED : 11/01/2019

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DECREE

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SA(MD) . No.700 of 2013

Allowing the Second Appeal preferred against the judgment and decree of the SUB JUDGE,THOOTHUKUDI dated 26/11/2012 made in AS.95/2009, preferred against the judgment and decree of the PRINCIPAL DISTRICT MUNSIF.,THOOTHUKUDI made in OS.662/2004 dated 13/10/2008 etc., as stated within.

MK (21/03/2019) 5C