



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

Thursday, the Thirtieth day of January Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

SA(MD). No.201 of 2004

JOHN PUSHPARAJ ... Appellant / Appellant /
3rd Defendant

... Vs...

1 KASI NADAR ... Respondent / 1st Respondent / 1st
Plaintiff

2 LAKSHMI, (DIED) ... 2nd Respondent / 2nd Respondent /
2nd Plaintiff

3 JAYA GEORGE ... 3rd Respondent / 1st Respondent /
Plaintiff

4 ANNAMERRY ... 4th Respondent / 1st Appellant / 2nd
Defendant

5 T.SELVARAJ

6 T.PAUL RAJ

7 T.RAJAM

8 T.MARY SAROJA ... 5th to 8th Respondent
(R-5 TO R-8 AS THE LRS OF THE DECEASED R-2,
VIDE COURT ORDER DT.19.12.16)

Prayer:- Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Subordinate Judge, Kuzhithurai, in A.S. No.14 of 1999, dated 20.03.2003, confirming the Judgement and Decree in O.S. No.397 of 1996, on the file of the District Munsif, Kuzhithurai dated 14.01.1999.

DECREE:- This Second Appeal coming upon for hearing on Thursday, the Twenty third Day of January Two Thousand and Twenty, 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 MRS.J.ANANDHAVALLI, Advocate for the Appellant and of MRS.P.S. R. GOVINDARAJA, Advocate for the first and fifth to eighth



respondents, and the third and fourth respondent not appeared either in person or by an Advocate, having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the Judgment and Decree in O.S. No.397 of 1996 be and hereby is set aside and the suit is dismissed and the Second Appeal is allowed; and

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

Schedule of Property

District Sub District Taluk Village Desam Karapathu Lekkom Inam S.No. Acre - Cents	Description of Property	Boundaries
Kaniyakumari Vilavancode Nalloor Perumpuzhi .. 17 Jenmom 288 A 5 30	Plot A.4a having an extent of 13 Cents 250 Sq links under the decree plan in O.S.No.339/60 and threes there on.	West of Kalluvettankuli North of Kattuvila and Tharisu Purayidom East of Garudanvilai and Ela and South of Pothan Vilai, Mannan Vilai and Nadavanam Thoppaya Chinnayankuzhi Thoppu

Sd/-

Assistant Registrar (CS-II)

// True Copy //

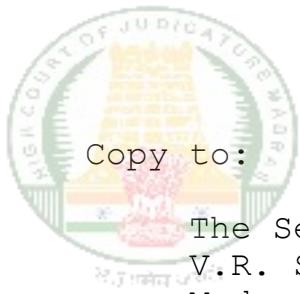
/ /2020

Sub Assistant Registrar(CS)

To

1) The Subordinate Judge, Kuzhithurai

2) The Second Additional District Munsif, Kuzhithurai.



Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.T.S.R.VENKATRAMANA, Advocate (SR-4044 dated 31/01/2020

+1 cc to M/s.J.Anandhavalli, Advocate in SR 3995

ORDER DATED:30/01/2020

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D E C R E E

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SA(MD). No.201 of 2004

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the Subordinate Judge, Kuzhithurai in A.S. No.14 of 1999 dated 20.03.2003, confirming the Judgement and Decree in O.S. No.397 of 1996 on the file of the District Munsif, Kuzhithurai dated 14.01.1999 etc., as stated within.

JMN(12.02.2020) 3P : 7C