



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

Thursday, the Ninth day of January Two Thousand and Twenty
PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

SA(MD) . No.622 of 2006

1. GURUSAMY (DIED)
2. KOOTHAYEE (DIED)
3. G.VAIYAPURI

(Appellants 2 and 3 are brought on records as Legal representatives of the deceased sole appellant vide Court order dated 28.01.2008, made in MP(MD).No. 1 of 2007)

(Memo recorded as 2nd appellant died and 3rd appellant who is already on recorded as Legal representative of the deceased 2nd appellant vide Court order dated 02.01.2020) ... Appellant/Respondent/
Plaintiff

Vs

1 PALANIAMMAL

2 LAKSHMI

3 KANNAN

(The first defendant died on 03.05.2005 left the respondents 1 and 2/ appellants 2 and 3/ defendants 2 and 3 as legal heirs)

... Respondents 1 to 3/ Appellants
2 to 4/ Defendants 2 to 4

Prayer:-

Second Appeal filed under Section 100 of C.P.C., praying to allow the Second appeal and set aside the judgment and decree dated 24.11.2005 in A.S.No.142 of 2005 on the file of the First Additional Sub Court, Madurai and to confirm the judgment and decree dated 13.04.2005 in O.S.No.214 of 2002 on the file of the District Munsif Court, Tirumangalam.

DECREE:-

This Second Appeal coming upon for hearing on Friday, the third day of January Two Thousand and Twenty, 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. J. BARATHAN FOR MR.T.R.JEYAPALAM, Advocate for the Appellant and of MR. K.SURIYA NARAYANAN, Advocate for the first and second respondents, none appeared for the 3rd respondent 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 dated 24.11.2005 in A.S.No. 142 of 2005 on the file of the First Additional Sub Court, Madurai, confirming the judgment and decree dated 13.04.2005 in O.S.No.214 of 2002 on the file of the District Munsif Court, Tirumangalam, be and hereby are confirmed and this appeal is dismissed and

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

Schedule of property

(1)Madurai South Registration District, Sholavandan Sub Registrar Office, Vadipatti Taluk, New ward No.2, Old Natham Survey No.709/1, Santhana Mariamman Koil Street, Old thatched roofed house in triangular shape, measuring east-west 14 feet and north-south on the eastern side 13-1/2 feet and on the western side 11 feet totalling to 94-1/2 square feet within the following boundaries:

South - House of Mahamuni Vagaiyarah.

East - House of Baluchamy

West - Vella Pillaiyar Koil Road

-Value Rs.1000/-

(2)-do- -do- -do- Old House Property
-measuring east-west 14 feet and north - south 10 feet within the following boundaries:

North - House of Baluchamy in Door No.2/57.

South - House of the Plaintiff

East - House of Vellai Vagaiyarah

West - House of Mahamuni Vagaiyarah.

- Value Rs.800/-

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The First Additional Sub Court,
Madurai.

2. The District Munsif,
Tirumangalam.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-1300 dated 10/01/2020)

+ 1 cc to M/s.R.SURIYANARAYANAN, Advocate (SR-1043 dated 09/01/2020)

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ORDER DATED : 09/01/2020

DECREE

SA(MD). No.622 of 2006

Nature of Decree:- Dismissing the Second Appeal preferred against the judgment and decree dated 24.11.2005 in A.S.No. 142 of 2005 on the file of the First Additional Sub Court, Madurai and to confirm the judgment and decree dated 13.04.2005 in O.S.No.214 of 2002 on the file of the District Munsif Court, Tirumangalam and etc., as stated within.

KK/SAR/19.02.2020/3P-7C/