



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

Thursday, the Third day of September Two Thousand Twenty  
PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE  
SA(MD) . No.311 of 2020

WEB COPY

Panimariyan,  
S/o.Sebastian,  
South Street, Savariyarpuram,  
Srivenkatesapuram Village, Sathankulam Taluk,  
Thoothukudi District. ... Appellant/R2/2<sup>nd</sup> Defendant

Vs

1.Arulraj,  
S/o.Thanislal, No.149 South Street,  
Savariyarpuram, Srivenkatesapuram Village,  
Sathankulam Taluk,  
Thoothukudi District. ....First Respondent/Appellant/plaintiff

2.Francis Selvaraj  
S/o.Sebastian South Street Savariyarpuram  
Srivenkatesapuram Village Sathankulam Taluk  
Thoothukudi District. ...R2/R1/ First Defendant

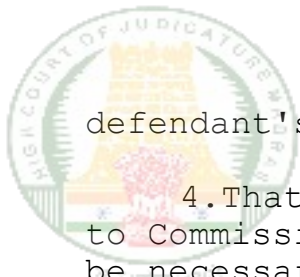
Prayer :- Second Appeal is filed under section 100 of CPC preferred against the Judgement and Decree dated 26.03.2019 passed in A.S.No.151/2017 on the file of the Subordinate Judge, Thiruchendur reversing the judgement and decree dated 13.12.2013 passed in O.S.No.43/2012 on the file of District Munsif Court, Santhakulam.

This Second Appeal is coming for hearing on this day and upon perusing the Grounds of Appeal and upon hearing the arguments of MR.M.P.SENTHIL, Advocate for the Appellant and of MR.P.PETHU RAJESH Advocate for the Respondents and this court while allowing this Appeal doth order and decree as follows.

1.That the judgment and decree dated 26.03.2019 passed in AS.No.151 of 2017 on the file of the Subordinate judge ,Tiruchendur be and hereby are setaside and the Appeal is remanded back to the First Appellate Court for fresh consideration.

2.That the subordinate judge , Tiruchendur do restore the appeal to its original number in the register and proceed to dispose of the appeal in the light of observations and directions contained in the judgment herein.

3.That upon taking up the matter by the First Appellate Court, the Appellant /Defendant will move necessary application before the First Appellate Court for appointing a commission to be assisted by a trained surveyor for measuring the property of the plaintiff and determine the line demarcating the plaintiff' property and



defendant's property.

4.That the parties will be at liberty to file their objections to Commissioner 's report and to adduce such fresh evidence as may be necessary in the circumstances.

5.That the parties herein be and hereby are directed to appear before the First Appellate Court on 10.10.2020.

6.That the First Appellate Court is required to appoint an Advocate who has reasonable experience in the civil side and who is also reasonably regular in appearing before the court.

7.That there be no order as to cost in this Second Appeal

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1.THE SUBORDINATE JUDGE, TIRUCHENDUR.

2.THE DISTRICT MUNSIF , SATHANKULAM.

Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court, Madurai(2C)

+1 CC to M/s.M.P. SENTHIL, Advocate ( SR-15867 dated 03/09/2020 )

+2 CC to M/s.P. PETHU RAJESH, Advocate ( SR-16034 dated 07/09/2020 )  
( SR-16008 dated 04/09/2020 )

ORDER DATED : 03/09/2020

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DECREE

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SA(MD) . No.311 of 2020

Allowing this Appeal preferred against the judgment and decree dated 26.03.2019 passed in AS.No. 151 of 2017 on the file of the Subordinate judge, Tiruchendur reversing the judgment and decree dated 13.12.2013 passed in OS.No. 43 of 2012 on the file of the District Munsif Court, Sathankulam,etc,as stated within.