



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of February Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

SA(MD) . No.1078 and 1079 of 2005

and

MP(MD).1 of 2015 in SA(MD) . No.1078 of 2005

SA(MD)No.1078 of 2005:

ARUMUGA NADAR (Died)

1. BALASANKARAN,
(Cause title accepted vide order of
this Court dated 12.10.2004, made
in C.M.P.Nos. 1172 and 1190 of 2004) .. Appellant

Vs

1 THE SUPERINTENDING ENGINEER,
TNEB, TUTICORIN..

2 TUTICORIN MUNICIPALITY,
THROUGH ITS COMMISSIONER,
G.C.ROAD, TUTICORIN ..Respondents

Prayer in SA(MD)No.1078 of 2005:-

This Second Appeal filed under Section 100 of C.P.C.,
against the judgment and decree dated 28.01.2004 passed in A.S.
No.24 of 2002 on the file of the Sub Court(Appellate Court),
Tuticorin, reversing the judgment and decree dated 28.03.2002 passed
in O.S. No.314 of 1998 on the file of the Additional District
Munsif, Tuticorin.

SA(MD)No.1078 of 2005:

ARUMUGA NADAR (Died)

1. BALASANKARAN,
(Cause title accepted vide order of
this Court dated 12.10.2004, made
in C.M.P.Nos. 1172 and 1190 of 2004) :Appellant



1 TUTICORIN MUNICIPALITY
THROUGH ITS COMMISSIONER,
G.C.ROAD, TUTICORIN.

2 THE SUPERINTENDING ENGINEER
TNEB, TUTICORIN.

:Respondents

Prayer in SA(MD)No.1079 of 2005:-

This Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 28.01.2004 passed in A.S. No.42 of 2003 on the file of the Sub Court(Appellate Court), Tuticorin, reversing the judgment and decree dated 28.03.2002 passed in O.S. No.314 of 1998 on the file of the Additional District Munsif, Tuticorin.

DECREE:- This Second Appeal coming on for hearing on this day, 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. M.P.Senthil, Advocate for the Appeallant and of Mrs. M.Parameswari for Mr. S.M.S.Jonny Basha, Advocate for the respondent, while dismissing the Second Appeals, this Court doth order and decree as follows:-

(1) That, it is for the appellant to work out his right against third party, who is said to have encroached T.S.No.2943, which according to the plaintiff, was purchased under Ex.A.2.

(2) That there be no costs in these Second Appeals.

Schedule of Property

An extent of 4.78 cents of land, with fire wood shops, bearing door No.118A and 118B in ward No.24,T.S.Ward No.2, T.S.No.2942, Devarpuram Road, Tuticorin Town, within Tuticorin Joint - II Registration Sub District and Tuticorin Registration District.

Boundaries:

<https://hcservices.courts.gov.in/hcservices/> South of Devarpuram Road.

East of Perumalpuram Road.



North of the Compound wall of the school Subbiah Vidyalayam.
West of Bharathi Store and the vacant site of S.K.U.Sahib.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Sub Court (Appellate Court), Tuticorin.
2. The Additional District Munsif, Tuticorin.

Copy to:

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

+1 CC to M/s.S.M.S.Johnny Basha, Advocate (SR-7514)

+1 CC to M/s.M.P.Senthil, Advocate (SR-7752)

DATED : 21/02/2020

DECREE

S.A(MD) Nos.1078 and 1079 of 2005
Dismissing the Second Appeal preferred
against the judgment and decree dated
28.01.2004 passed in A.S. No.24 of 2002
and A.S. No. 42 of 2003 on the file of
the Sub Court (Appellate Court),
Tuticorin reversing the judgment and
decree dated 28.03.2002 passed in O.S.
No.314 of 1998 on the file of the
Additional District Munsif, Tuticorin
etc., as stated within.

KK/16.03.2020/3P-7C