



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

Thursday, the Sixth day of February Two Thousand and Twenty

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PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

S.A.(MD). No.864 of 2005

JAILANI : Appellant / Appellant / 2nd Plaintiff

Vs

1 VALLIAMMAL : 1st respondent/1st respondent/1st Defendant

2 ASAN MOHAIDEEN PITCHAI : 2nd respondent/2nd respondent/1st Plaintiff

3 BALA : 3rd respondent/3rd respondent/2nd Defendant

4 R.VAIRAMUTHU

5 TMT.V.MEENA : Respondents 4 & 5

(respondents 4 and 5 are impleaded vide
order dated 02/02/2018 made in C.M.P.
(MD) No.451 OF 2017)

Prayer:-

This Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 29/12/2004 made in A.S. No.34 of 2003 on the file of the Princial District Court, Thoothukudi confirming the judgment and decree dated 31.07.2002 made in O.S. No.161 of 1999 on the file of the Additional District Munsif Court, Thoothukudi.

DECREE:-

This Second Appeal coming upon for hearing on Wednesday the Twenty third day of October, Two thousand and Nineteen; 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. A. Arumugam, Advocate for M/s Ajmal Associates for the Appellant, Mr. V. Meenaksh Sundaram, Advocate for the 1st respondent, Mr. D. Nallathambi, Advocate for the respondent Nos.4&5 and the respondent Nos.2 and 3 having not appeared either in person or through a Counsel; this Court having stood over for considration till this date; doth order and decree as follows:-



(1) That the Judgment and Decree dated 29/12/2004 made in A.S. No.34 of 2003 on the file of the Princial District Judge, Thoothukudi confirming the judgment and decree dated 31.07.2002 made in O.S. No.161 of 1999 on the file of the Additional District Munsif, Thoothukudi, be and hereby are confirmed and this Second Appeal do stand dismissed; and

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

Schedule of property

1st Schedule

In Tuticorin Taluk, Mullakadu Village an extent of 21.1/2 cents in the South in 52 cents in S.No.305/2C bounded on the North by Punja of Jailani shown as 2nd schedule, on the West by Punja of K.Sikkander, on the South by Punja Pitchammal, on the East by Punja of Paramasivakonar.

II Schedule

In Tuticorin Taluk, Mullakadu Village an extent of 21.1/2 cents in the North of the Punja of Asan Mohideen Pitchai in 52 cents in S.No.305/2C bounded on the North by Punja of Asan Mohideen Pitchai shown as Ist schedule herein, on the West by Punja of Sikkander Maraicais, on the South by Punja of Karusa Been, on the East by Punja of Paramasivakonar.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Princial District Judge,
Thoothukudi.

2. The Additional District Munsif,
Thoothukudi.

Copy to:

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

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+1 CC to M/s Ajmal Associates in SR Nos.5004.
+1 CC to Mr. D. Nallthambi, Advocate No. SR Nos.5199.

ORDER DATED 06.02.2020

DECREE

S.A (MD) No.864 of 2005

Dismissing the Second Appeal preferred against the judgment and decree dated 29/12/2004 made in A.S. No.34 of 2003 on the file of the Princial District Court, Thoothukudi confirming the judgment and decree dated 31.07.2002 made in O.S. No.161 of 1999 on the file of the Additional District Munsif Court, Thoothukudi etc., as stated within.

MK (14.02.2020) 3P 7C