



A.S.No.509 of 2016

P.T.ASHA, J

The above first appeal has been listed today under the caption
“for Being Mentioned”.

2. The last paragraph of the judgment dated 20.09.2021
would read as follows:

“22. In the result, the appeal is allowed and the Judgement and Decree of the III Additional District Judge, Salem in O.S.No.63 of 2015 in respect of clause (4) is set aside. The plaintiff is granted partition in respect of 1/4th share in the 2nd Item of the suit property and 1/4th share in the 3rd Item of the suit property. The appeal is allowed and the suit is decreed as prayed for. Consequently, connected Civil Miscellaneous Petition is also closed. No costs.

In the decree, the 1st Clause would read as follows:-

(i) that the Appellant herein / plaintiff shall be declared entitled to 1/5 share in the 1st item and 1/4th share in the 2nd Item and 1/4th share in the



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*3rd item of the suit properties morefully setout
schedule here under;*

3. The appeal was not with reference to I Item of the suit properties. Therefore, Clause (i) stands amended. The words ***“1/5th share in the 1st Item and”*** will stand deleted and the corrected Clause (i) would read as follows:-

***(i) that the Appellant herein / plaintiff
shall be declared entitled to 1/4th share in the
2nd Item and 1/4th share in the 3rd item of the
suit properties morefully setout in the schedule
here under;***

4. In order to bring about conformity between the judgment and decree, in paragraph 22 of the judgment, the penultimate sentence is amended. It would read as follows:-

***“The appeal is allowed and the suit is
decreed to the extent mentioned above”.***



4. The Registry is directed to issue the corrected judgment and decree forthwith to the parties. In all other respects, the judgment and decree dated 20.09.2021 shall remain unaltered.

08.02.2023

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4



P.T.ASHA, J

srn

A.S.No.509 of 2016

08.02.2023