

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENET

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1884 of 2011

1.A.P.Karunakaran (Died)
2.A.K.Prabahar
(A2 brought on record as LR of the deceased sole appellant
viz A.P.Karunakaran vide order dated 04.01.2021
made in C.M.P.Nos.4994 &4995 of 2017
in C.M.A.No.1884 of 2011)

.. Appellants

vs.

1.A.M.Raja
2.R.Sivakolundhu
3.A.R.Rajkumar
4.A.P.Rajavenkateswaran
5.Rajeswari @ Ramayal
6.A.R.Rajkumari

.. Respondents

PRAYER : Civil Miscellaneous Appeals filed under Order 43 Rule 1 of C.P.C against the judgment and decree dated 28.09.2010 made in A.S.Nos.7 of 2010 on the file of the Subordinate Judge, Gobichettipalayam remanded back to the trial Court by reversing the judgment and decree dated 17.11.2009 made in O.S.No.418 of 2000 on the file of the District Munsif Court, Gobichettipalayam.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on this day and Upon perusing the Grounds of Appeal, the Decree and Judgment of the Lower Court Material papers in the case and upon hearing the arguments of Mr.T.Murugamanickam, Senior Counsel assisted for M/s.Sarvabhauman Associates advocate for the Appellant and of Mr.N.Manokaran, Advocate for the Respondents RR4 to RR6 and the respondents 1 & 2 neither appeared in Person nor through their advocates and while allowing this Civil Miscellaneous Appeal this Court doth Order and Decree as follows:

1.That the decree of the Subordinate Court, Gobichettipalayam in A.S.No.7 of 2010 be and hereby is reversed and the Appeal Suit is remanded and said court (Subordinate Court, Gobichettipalayam), do restore the Appeal Suit to its Original Number in the register and proceed to dispose of the case within a period of Six months from the date of receipt of a copy of this order, in the light of the observaations and directions contained in the Judgment herein and

2.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

ssb

To

1.The Subordinate Court, Gobichettipalayam

2.The District Munsif Court, Gobichettipalayam.

Copy to

The Section Officer, VR Section, High Court, Madras.

Dated: 18/02/2021

DECREE

C.M.A.No.1884 of 2011

Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 28.09.2010 made in A.S.Nos.7 of 2010 on the file of the Subordinate Judge, Gobichettipalayam remanded back to the trial Court by reversing the judgment and decree dated 17.11.2009 made in O.S.No.418 of 2000 on the file of the District Munsif Court, Gobichettipalayam, etc., as stated within.

SSN(CO)
B.VC (23/09/2021)