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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE TWENTY SIXTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

A.S.No.190 of 2009

1. P.Thangaraj,
2. T.Kalai Selvi, ... Appellants/Defendants 2 & 3

/versus/

1. R.Velliyangiri,
2. P.Krishnamoorthy, ... Respondents 1 & 2/Plaintiffs
3. V.Selvakumar,
4. P.Mubeena Parwaiz, ... Respondents 3 & 4 /
Defendants 1 & 4

Prayer:

First Appeal is filed under Section 96 of the Code of Civil Procedure against the judgment and decree dated 28.08.2008 made in O.S.No.309 of 2007, on the file of the Principal District Judge, Erode District.

Decree:

This Appeal coming on for hearing on Tuesday, the Sixteenth day of February, Two Thousand and Twenty One upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers available in the case and upon hearing the arguments of MR.V.Ayyadurai, Senior Counsel, for Mr.P.K.Harinath Babu, Advocate for the Appellant herein, and Mr.P.Valliappan, Advocate for the Respondents 1 & 2 and the Respondents 3 & 4 not appeared in person or by Advocate and this case having stoodover for consideration till this day and this court, while Allowing this First Appeal had observed that from the facts and conduct of the Respondents 1 and 2/Plaintiffs, they are not entitled for refund since they are not a bonafide intent purchaser and doth order and decree as follows:

i)That the Judgment and Decree dated 28.08.2008 made in O.S.No.309 of 2007, on the file of the Principal District Court, Erode is be and hereby is set aside.



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ii)that there be no costs in this First Appeal.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

To,

1.The Principal District Judge, Erode District.

Copy To:

The Section Officer, V.R.Section, High Court, Madras.

+1cc to Mr.P.Valliappan, Advocate SR.No. 12389

+1cc to Mr.P.K.Harinath Babu, Advocate SR.No.12394

Dated:26.02.2021

DECREE

A.S.No.190 of 2009

Allowing this First Appeal preferred against the judgment and Decree dated 28.08.2008 made in O.S.No.309 of 2007, on the file of the Principal District Judge, Erode District etc as stated within.

RSI (CO)
A.SK(24.09.2021)
PM/04/10/2021