



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of August Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

AS (MD)No.28 of 2011

and

MP (MD)No.1 of 2011

1.K.PUSHPAVALLI (DIED) ... PETITIONER/1ST DEFENDANT

2.MURALIDHARAN

3.ANANDHARAMAN ... APPELLANTS

(A2 and A3 are brought on record
as Lrs of the deceased sole
appellant vide order dated 08.06.2018
made in CMP(MD)No.3954/18 in
AS(MD)No.28/11 by MSJ)

Vs

1.R.PARTHASARATHY

... 1ST RESPONDENT/PLAINTIFF

2.T.K.RAMESH

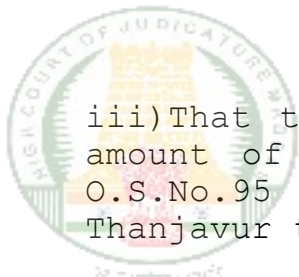
... 2ND RESPONDENT/2ND DEFENDANT

Prayer :- Appeal Suit filed under Section 96 of Civil Procedure Code, against the judgment and decree of the Additional District Court (Fast Track Court), Thanjavur, passed in O.S.No.95 of 2006 on 23.12.2009.

Decree: This Appeal Suit is coming on for hearing on this date, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court the material papers in the Suit and upon hearing the arguments of Mr.P.Sesusbalan Raj, Advocate for the Appellants, Mr.P.Vadivel, advocate for the 1st Respondent and Respondent No.2 not appeared either in person or by Advocate, this Court while disposing of the Appeal Suit, doth order and decree as follows:-

i)That the impugned Judgment and decree dated 23.12.2009 passed in O.S.No.95 of 2006, on the file of the Additional District Court (Fast Track Court), Thanjavur be and hereby is set aside;

ii)That the legal representatives of the first appellant are directed to pay a sum of Rs.4,00,000/- with interest at the rate of 18% per annum with effect from 23.12.2005 till date of payment. Till then, there shall be a charge on the suit property;



iii) That the Plaintiff be and hereby is permitted to withdraw the amount of Rs.50,000/- already deposited by him to the credit of O.S.No.95 of 2006, on the file of Principal District Court, Thanjavur together with accrued interest; and

iv) That there be no costs in this Appeal Suit.

(*) Sheducale of Property with separate sheet

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO
The Additional District Judge,
Fast Track Court,
Thanjavur.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 24/08/2021

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DECREE

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AS (MD) No.28 of 2011

and

MP (MD) No.1 of 2011

Nature of Decree:-Disposing the Appeal Suit preferred against the Judgment and Decree dt.23.12.2009 passed in O.S.No.95 of 2006 on the file of the Additional District Judge FTC, Thanjavur, as stated within.

KB(08.02.2022) 2P 4C