



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Second day of August Two Thousand and Twenty One

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PRESENT

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

A.S.No.54 of 2013

and

M.P.No.2 of 2013

THANIKODI

... APPELLANT/PLAINTIFF

Vs

1.R.J.PANDIARASAN (DIED)

2.T.R.PRABAHARAN

3.N.P.RAMADOSS

4.T.DEIVEEGARAJ

... RESPONDENTS/DEFENDANTS

5.P.SULOCHANA,

6.P.PALANIVELRAJAN

7.P.KRISHNARAJAN

8.P.SELVARANI

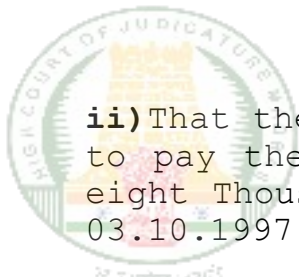
... RESPONDENTS

RR5 TO 8 ARE BROUGHT ON RECORD
AS LRS OF DECEASED R1 VIDE
COURT OORDER DT16.06.17 MADE IN
CMP.NOS.1058 TO 1060/17 IN
AS (MD) 54/13 BY CVKJ

Prayer :- Appeal filed under Section 96 of the Civil Procedure Code, against the Judgment and Decree passed in O.S.No.90 of 2004, dated 16.06.2009 on the file of the Additional District Court / FTC No.1, Madurai.

Decree:- This Appeal Suit came up final hearing on this day, upon perusing the Memorandum of Grounds of Appeal, the Judgment and Decree of the Lower Court, upon perusing the material records of the case, and upon hearing the arguments of Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi, Advocate for the Appellant and Mr.Babu Rajendran, Advocate for the Respondents 3 to 8 and Respondent No.2 dismissed vide Court Order dt.22.06.2018, this Court while allowing this Appeal, doth order and decree as follows:-

i) That the Judgment and Decree dated 16.06.2009 made in O.S.No.90 of 2004 on the file of the Additional District Court, FTC No.1, Madurai, be and hereby is set aside and the Appeal Suit is Allowed;



ii) That the Respondents herein/Defendants be and hereby are directed to pay the plaintiff a sum of Rs.2,98,000/- (two Lakhs and Ninety eight Thousand Only) with interest at the rate of 6% per annum from 03.10.1997 till the date of payment;

iii) That the Appellant herein/Plaintiff be and hereby is entitled to charge over the suit property; and

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

Schedule of Property

1. Madurai District, Tallakulam Sub-district ,
now Chokkikulam Sub-District, Madurai North Taluk, Thiruppalai
Group, Sirudhur village, Ayan Nanka R.S.No. 304/2 out of
5 acres 33 cents , excluding the eastern 1 acre of Matta
Padmavathi Ammal western 4acre 33 cents- boundaries
South of ; Thotha Moopana Nanjai
West of ; Matta padmavathi Ammal Nanjai
North; Singarayar, Jeyamani Vagaiyara Nanjai
East of; Sulochanna Ammal Krishna konar etc., lands

and

2. .do. village, ayan nanjai R.S.No. 304/1, 29 cents with
stone walled well, electric motor, pumpset etc.,

3. .do. village No. 39 patta old S.No. 303/1B , 303 1/C,
R.S.No. 303/3B - 80 cents - boundaries.

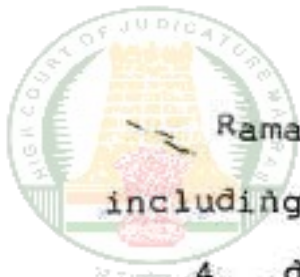
North; East west Vaikal and Nanja land of Thangiah servai

East of Ramakrishnaier Nanja

South of; S.G.Subramaniam and Deivanai nanja

west of ; S.G.Subramaniam and Deivanai nanja

west of; Nanja belonging to Thirukoshtiyur



Ramachariyar vagaiyara and Deivanai
including the rights for the water channel

4. .do. Sirudhur village nanja R.S.No. 304/2 out of

5 acres 33 cents , the eastern 1 acre - boundaries.

East ; Pandiarajan's nanja

south; Sulochana's nanja

west; pandiarajan's nanja

North; Aun Bibi's nanja

and

5. .do. village, patta No.39, Old S.No. 303/1A .303/1B
corresponding to sub-divided R.S.No,303/1-33 cents

R.S.No. 303-3A-20 cents-totalling 53 cents- boundaries

North, East west vaikai and nanja of Thangiah servai

west of ; Nanjai of K.S.Ramakrishnier

south; Nanjai of Subramaniam and Deivanai

west of ; Nanjai of Thirukoshtiyur Ramasamy Iyer,

vagaiyara, Deivanai with water right in it.

Thus the lands totally measuring 6 acres 95 cents with
well water, right and electric motor pump set etc..

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO

The Additional District Judge,
Fast Track Court NO.I,
Madurai.

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Copy to:

The Record Keeper, (2C)
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC to M/s.BABU. RAJENDRAN, Advocate SR.No.25052

+ 1 CC to M/s.D.NALLATHAMBI, Advocate, SR.No.25108

ORDER DATED : 02/08/2021

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DECREE

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A.S.No.54 of 2013

and

M.P.No.2 of 2013

Nature of Decree:- Allowing the Appeal Suit preferred against the Judgment and Decree dated 16.06.2009 made in O.S.No.90 of 2004 on the file of the Additional District Judge, FTC NO.I, Madurai.

KB(10.11.2021) 4P 6C