



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN

AND

The Hon`ble Dr.Justice G.JAYACHANDRAN

CMA(MD)No.361 of 2012

GANDHI

.. APPELLANT/2ND RESPONDENT/
PLAINTIFF

Vs

1.S.RAJASEKARAN

..1ST RESPONDENT/1ST RESPONDENT/
DEFENDANT

2.S.BASKARAN

..2ND RESPONDENT/PETITIONER/
3RD PARTY

Prayer :- Civil Miscellaneous Appeal filed under order XXI Rule 58 (4) of C.P.C., to set aside the order dated 25.01.2011, passed in I.A.No.380 of 2010 in O.S.No.46 of 2010, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur.

Decree:- This Civil Miscellaneous Appeal coming up for final hearing on Wednesday the First day of December Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.AR.L.Sundaresan, Senior Counsel for Mr.N.Tamilmani, Advocate for the Appellant, and Mr.H.Lakshmi Shankar, Advocate for the 1st Respondent, Mr.Srinivasa Raghavan for Mr.Kirubakaran, Advocate for the 2nd Respondent, and having stood over for consideration till this date, that the Appellant filed Cost Memo in USR.No.59 dated 03/01/2022 and while allowing the Civil Miscellaneous Appeal and doth order and Decree as follows:-

i)that the order dated 25.01.20211, passed in I.A.No.380 of 2010 in O.S.No.46 of 2010, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, be and hereby set aside; and

ii)That the respondents herein be and hereby directed do pay Rs.53,988/- (Rupees Fifth Three Thousand Nine Hundred and Eighty



Eigh only) to the Appellant towards the cost of this Civil Miscellaneous Appeal.

MEMORANDUM OF COSTS

Stamp for Vakalatnama	...	10.00
Do used for the CMA	...	200.00
Do for the Original Decree	...	7.00
Do for the Judgment	...	34.00
Senior Advocate Fees	...	40,258.00

(As per Rule 12(1) read with
Rule 3(2)(b) of the Legal
Pratitioners' Fees Rules, 1973)

Junior Advocate Fees (1/3 of Senior Advocate Fees)	...	13,419.00
Batta & Postage	...	60.00

Total	...	53,988.00

(Rupees Fifty Three Thousand Nine Hundred and Eighty Eight Only)

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Principal District Judge,
Virudhunagar District at Srivilliputhur.

Copy to:

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

+ 1 CC to M/s.H.LAKSHMI SHANKAR, Advocate, SR.No.40177

+ 1 CC to M/s.N.TAMILMANI, Advocate, SR.No.40383



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SA(MD). No.361 of 2012

ORDER DATED : 23/12/2021

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AMENDED DECREE

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CMA(MD)No.361 of 2012

Nature of Decree:- Allowing the Civil Miscellaneous Appeal to set aside the order dated 25.01.2011, passed in I.A.No.380 of 2010 in O.S.No.46 of 2010, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur.

KB(17.02.2022) 3P 6C