



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Seventh day of October
Two Thousand Twenty One

WEB COPY

PRESENT:

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

SA(MD)No.1050 of 2007

1.V.SANGILI
2.MUNIYASAMY
3.LAKSHMANAN
4.DHARMARAJ

... Appellants/Respondents 1 to 4/
Defendants 1 to 4.

5.S.MUNIYASAMY

(5th appellant impleaded as LR's of the deceased
1st appellant vide order dated 13/02/2008 made
in M.P.(MD)No.1 of 2008)

Vs

1 HARI NARAYANAN
2 SENTHAMARAI
3 THAVAMANI
4 GOKULADOSS NARAYANAN
5 LATHA
6 RENGANAYAKI
7 ASHOK RAJ

...Respondents 1 to 7/Appellants 1 to 7/
Plaintiffs 5, 6, 10 to 14.

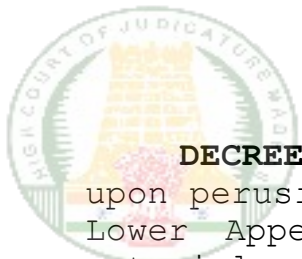
8 AMSAVALLI @ AMSAVENI
9 MUNIYAMMAL

10 ALAGAMMAL ...Respondents 8 to 10/Respondents 5 to 7/
Plaintiffs 1 to 3.

11 SENGAMALAM
12 BRINDHA

13 KRISHNAN ...Respondents 11 to 13/Respondents 8 to 10/
Plaintiffs 7 to 9.

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree in Appeal Suit No.162 of 1999, dated 24/12/2002 by the Additional District and Sessions Judge-cum-Chief Judicial Magistrate, Ramanathapuram, reversing part of the judgment and decree in Original Suit No.146 of 1995, dated 30/04/1998 by the District Munsif-cum-Judicial Magistrate, Kamuthi.



DECREE:-This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgment and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of MR.ARUL for MR.R.NANDAKUMAR, Advocate for the Appellants and None appeared for the respondents 1 to 7 either in person or by an Advocate and the respondents R8 to R13 were set as ex parte, in pursuance of the order passed in Writ Petition No.18045 of 2000, dated 05/07/2010, this Court doth order and decree as follows:-

- (1) that the second appeal is disposed of in the following terms:
(i) that the Revenue Divisional Officer, Paramakudi, shall restore the channel through S.No.203/6 to a breadth on North-South 6 feet including the ridge and ensure free flow of water through the same to the land of the petitioner comprised in S.No.203/7A;
(ii) that while restoring the channel, in the remaining breadth of the land comprised in S.No.203/6, the pathway shall be maintained without any interruption;
(iii) that both pathway as well as channel, as indicated above, shall be maintained without disturbance by one into the other;
- (2) That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of schedule of property

TO

1.The Additional District and Sessions Judge-cum-
Chief Judicial Magistrate, Ramanathapuram.

2.The District Munsif-cum-Judicial Magistrate, Kamuthi.

Copy to:

The Section Officer,Vernacular Records,
Madurai Bench of Madras High Court, Madurai(2 Copies)



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SA(MD)No.1050 of 2007

ORDER DATED : 27/10/2021

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DECREE

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SA(MD)No.1050 of 2007

Second Appeal is disposed of preferred against the judgment and decree of the in Appeal Suit No.162 of 1999, dated 24/12/2002 on the file of the Additional District and Sessions Judge-cum-Chief Judicial Magistrate, Ramanathapuram, reversing part of the judgment and decree in Original Suit No.146 of 1995, dated 30/04/1998 on the file of the District Munsif-cum-Judicial Magistrate, Kamuthi and etc., as stated within.

MA (CO)
TR(18.02.2022) 3P 5C