



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

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

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PRESENT

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

SA(MD) . No.397 of 2007

1.Tholkappain

2.Pari Ramesh

... Appellants/Appellants/Defendants 2 & 3

.Vs.

1.Mangalam

... 1st Respondent/1st Respondent/
Plaintiff

2.Subramanian Chettiar

... 2nd Respondent/2nd Respondent/
2nd Respondent

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 18.10.2006 made in A.S. No.37 of 2006 on the file of the Subordinate Court, Devakkottai, confirming the judgment and decree dated 13.03.2006 made in O.S. No.227 of 2004 on the file of the Additional District Munsif, Karaikudi.

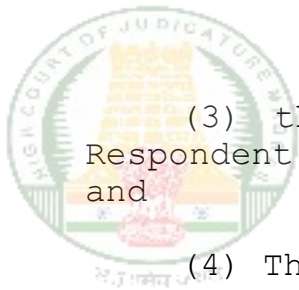
DECREE:-

This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments 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.S. Srinivasa Raghavan, Advocate for the Appellants and of Mr.R.Sundar, Advocate for the respondents, this Court doth order and decree as follows:-

(1) That the Judgment and Decree dated 18.10.2006 made in A.S. No.37 of 2006 on the file of the Subordinate Court, Devakkottai, confirming the judgment and decree dated 13.03.2006 made in O.S. No.227 of 2004 on the file of the Additional District Munsif, Karaikudi be and hereby are modified and this Second Appeal is partly allowed;

...

(2) that the 1st Respondent herein/ 1st Respondent / Plaintiff will be entitled to the decree of permanent injunction alone;



(3) that the decree of declaration granted in favour of 1st Respondent / 1st Respondent / Plaintiff be and hereby is set aside and

(4) That there be no costs in this Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

(*) Schedule of Property attached in separate sheet

To

1) The Subordinate Court, Devakkottai.

2) The Additional District Munsif, Karaikudi.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 cc to M/s. S.Srinivasa Raghavan, Advocate in SR Nos.33089 & 32939)

ORDER DATED : 27/10/2021

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DECREE

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SA(MD). No.397 of 2007

Nature of Decree:- Partly allowing the Second Appeal preferred against the judgment and decree dated 18.10.2006 made in A.S. No.37 of 2006 on the file of the Subordinate Court, Devakkottai, confirming the judgment and decree dated 13.03.2006 made in O.S. No.227 of 2004 on the file of the Additional District Munsif, Karaikudi and etc., as stated within.



RS (15.02.2022) 3P-7C

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