



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

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

PRESENT

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

SA(MD)No.474 of 2007

MUTHU

... APPELLANT/RESPONDENT/PLAINTIFF

Vs

1.MUTHU
2.PERIYANNAN
3.PERIYASAMY
4.KANAGARAJ

... RESPONDENTS/APPELLANTS 1 TO 4/
DEFENDANTS 1 TO 4

Prayer :- Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree of the Principal Subordinate Court, Trichy, in A.S.No.217 of 2004 dated 17.07.2006 reversing the Judgment and Decree of the District Munsif Court, Turaiyur in O.S.No.151 of 2001 dated 11.10.2004.

Decree:- This Second Appeal came up for hearing on this day, upon perusing the grounds of appeal, the Judgment and Decree 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.V.Singan, Advocate for the Appellant, and Mr.L.Siva for Mr.N.Mohamed Asif, Advocate for the Respondents, this Court while Partly Allowed, doth order and decree as follows:-

i)That the Judgment and Decree, dated 17.07.2006 passed in A.S.No.217 of 2004 on the file of the Subordinate Judge, Trichy, be and hereby is set aside;

ii)That the impugned Judgment and Decree cannot be restored in toto;

iii)That the instead, it is modified and the plaintiff is granted the relief of permanent injunction in respect of the suit house alone;



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

TO

1.The Principal Subordinate Judge,
Trichy.

2.The District Munsif,
Turaiyur.

Copy to:

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

+ 1 CC to M/s.V.Singan, Advocate, SR.No.32948

+ 1 CC to M/s.N.Mohammed Asif, Advocate, SR.No.32951

ORDER DATED : 27/10/2021

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DECREE

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SA(MD) . No.474 of 2007

Nature of Decree:-Partly Allowing the Second Appeal preferred against the Judgment and Decree of the Principal Subordinate Judge,Trichy, passed in A.S.No.217 of 2004 on 17.07.2006 and preferred against the Judgment and Decree of the District Munsif, Turaiyur passed in O.S.No.151 of 2001 dated 11.10.2004 etc. as stated within.

RK(17/02/2022) 2P 7C