



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of July Two Thousand Twenty One

PRESENT

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

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SA(MD) . No.1017 of 2009

MAHABOOBJAN, ... Appellant/ 1st Respondent /
Plaintiff

Vs

1 KHAIRUNNISSA

2 MOHAMMED SHAH @ BABU

3 HAMEEDA BI

4 FAREEDA BEGUM ... 1st to 4th Respondents / Appellants
/ 1st, 3rd, 5th and 6th Defendants

5 MOHAMMED YUSUF

6 RAFEEQ

7 MOHAMMED ALI

8 SHARMILA @ PAPPY ... 5th to 8th Respondents /
Respondents / 2nd 4th, 7th and
8th Defendants

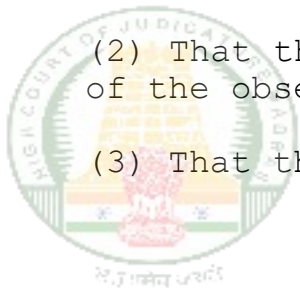
Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree passed in A.S. No.162 of 2006, dated 12.09.2008 on the file of the Principal District Judge, Tiruchirapalli reversing the Judgement and Decree passed in O.S. No.607 of 1998 dated 30.12.2004 on the file of the Principal District Munsif, Tiruchirapalli.

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.VINAYAK, Advocate for the Appellant and of Mr.J.BHARATHAN, Advocate for the respondents, this Court doth order and decree as follows:-

(1) That the Judgment and Decree of the First Appellate Court viz., Principal District Judge, Tiruchirapalli made in A.S. No.162 of 2006, dated 12.09.2008, be and hereby is set aside and the matter is remanded to the file of the trial court and the Judgment and Decree passed by the Trial Court is also set aside and the Second Appeal is allowed.



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(2) That the trial court proceed to dispose of the case in the light of the observations and directions given in the Judgement herein.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Principal District Judge, Tiruchirapalli

2) The District Munsif, Tiruchirapalli

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai [2 Copies]
(To despatch the records to the trial court immediately)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-22605 dated 15/07/2021)

ORDER DATED : 14/07/2021

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D E C R E E

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SA(MD). No.1017 of 2009

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the Principal District Judge, Tiruchirapalli made in A.S. No.162 of 2006 dated 12.09.2008 reversing the Judgment and decree dated 31.12.2004 made in O.S. No.607 of 1998 on the file of the Principal District Munsif Tiruchirapalli etc., as stated within.