



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

Wednesday, the Seventh day of July Two Thousand Twenty One

PRESENT

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

SA(MD) . No.316 of 2008

N.MUTHUTHAYEE @ CHINNATHAYEE

... Appellant/Appellant/Plaintiff

Vs

1 M.MUTHURAJ NADAR

2 M.SELVARAJ NADAR

3 M.PONRAJ NADAR

4 V.PITCHAI KANI NADAR

... Respondents/Respondents/Defendants

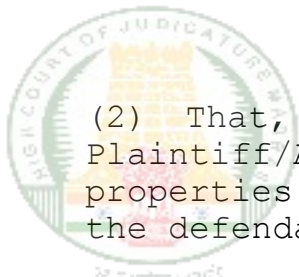
Prayer:-

Appeal filed under Section 100 of C.P.C., against the Judgment and Decree of the Sub Judge, Kovilpatti, dated 23.10.2007 made in Appeal Suit No.28 of 2007, confirming the Judgment and Decree of the court of the Principal District Munsif Court, Kovilpatti made in Original Suit No.20 of 2005 dated 15.09.2006

DECREE:-

This Second Appeal coming on 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.R.SHANMUGANATHAN, Advocate for the Appellant and of Mr.M.RAMU, Advocate for R1 TO R3 and Respondent No.4 not appeared either in person or by an advocate while allowing the Appeal in part and in modification of the Judgment and Decree of the Courts below, this Court doth order and decree as follows:-

(1) That, the Judgment and Decree of the Sub Judge, Kovilpatti, dated 23.10.2007 made in Appeal Suit No.28 of 2007, confirming the Judgment and Decree of the court of the Principal District Munsif Court, Kovilpatti made in Original Suit No.20 of 2005 dated 15.09.2006 be and hereby set aside;



(2) That, the Preliminary decree is granted in favour of the Plaintiff/Appellant herein in respect of her $\frac{1}{4}$ share in the suit properties except in the item purchased by the forth respondent from the defendants 1 to 3 prior to the institution of the suit;

(3) that, the property purchased by the Plaintiff/Appellant shall not be disturbed and

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

SCHEDULE OF PROPERTIES VIDE SEPARATE SHEET

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1. The Sub Judge, Kovilpatti.

2. The Principal District Munsif, Kovilpatti.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.V.R.SHANMUGANATHAN, Advocate (SR-21440[F] dated 07/07/2021)

ORDER DATED: 07/07/2021

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DECREE

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SA(MD). No.316 of 2008

Nature of Decree:- Allowing the Second Appeal in Part, preferred against the Judgment and Decree of the Sub Judge, Kovilpatti, dated 23.10.2007 made in Appeal Suit No.28 of 2007, confirming the Judgment and Decree of the court of the Principal District Munsif Court, Kovilpatti made in Original Suit No.20 of 2005 dated 15.09.2006 and etc., as stated within.



RK(02/03/2022) 3P 6C

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