



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

Tuesday, the Twenty First day of September Two Thousand Twenty One

PRESENT

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

SA(MD) . No.888 of 2007

1.RUSSALIAN (DIED),

2.Sathiyanesan,

3.Ambrose,

4.Rajamony

5.Rugmony

6.Indira

7.Rajan

... Appellants/Appellants/Defendants

(Appellants 5 to 7 are brought on record as Lrs of the deceased 1st Appellant vide order dated 03.08.2021 made in C.M.P.(MD) No.6055 of 2021 in S.A.(MD) No.888 of 2007)

Vs

1.RAMAYYAN (DIED)

2. MASILLAMONY

3.RAVEENDRAN

4.RATHINAMMAL

5.SURESHKUMAR

... Respondents/Respondents/Plaintiffs

(Respondents 4 and 5 are Suo Motu brought on record as Lrs of the deceased 1st respondent vide order dated 03.08.2021 made in S.A.(MD) No.888 of 2007)



Prayer:-

This Second Appeal under Section 100 of Code of Civil Procedure has been filed against the judgment and decree dated 21.02.2007 in A.S. No.33 of 2004 on the file of the Subordinate Judge, Kuzhithurai, by confirming the Judgment and Decree dated 22.03.2004 in O.S. No.101 of 1999 on the file of the 2nd Additional District Munsif, Kuzhithurai.

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 K.SREEKUMARAN NAIR, Advocate for the Appeallants and of V.K.VIJAYA RAGAVAN, Advocate for the 2 to 5 respondents, this Court doth order and decree as follows:-

1) That the Judgment and Decree 21.02.2007 in A.S. No.33 of 2004 on the file of the Subordinate Judge, Kuzhithurai, by confirming the Judgment and Decree dated 22.03.2004 in O.S. No.101 of 1999 on the file of the 2nd Additional District Munsif, Kuzhithurai, be and hereby are confirmed and the Second Appeal is dismissed; and

2) That the plaintiffs and the defendants are entitled to access the road in front of the northern side;

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of schedule of property.

TO

1) The Subordinate Judge, Kuzhithurai.

2) The 2nd Additional District Munsif, Kuzhithurai.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies



+1 CC to M/s.K.SREEKUMARAN NAIR, Advocate (SR-29987[F] dated 23/09/2021)

+1 CC to M/s.V.K.VIJAYARAGAVAN, Advocate (SR-30109[F] dated 23/09/2021)

WEB COPY

ORDER DATED : 21/09/2021

=====
DECREE
=====

SA(MD) . No.888 of 2007

Nature of Decree:- Dismissing the Second Appeal preferred against the judgment and decree date 21.02.2007 in A.S. No.33 of 2004 on the file of the Subordinate Judge, Kuzhithurai, by confirming the Judgment and Decree dated 22.03.2004 in O.S. No.101 of 1999 on the file of the 2nd Additional District Munsif, Kuzhithurai etc., as stated within.

smv (CO)
TR (24.02.2022) 3P 7C