



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

Friday, the Sixteenth day of July Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
SA(MD). No.735 of 2008

WEB COPY

RAJAM

... Appellant / Appellant / Plaintiff
Vs

1 PALAYAN (DIED)

2 VIJAYAN

3 DHAS

4 MARY

... 1st to 4th Respondent / 2nd to
5th Respondents

5 SELVARAJ

6 MATHIAS

... 5th and 6th Respondents /
6th and 7th Respondents

7 SELVI

8 RAJAPPAUL

9 JAYAPPAUL

Prayer:-

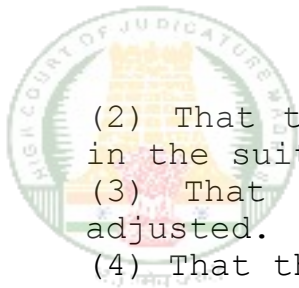
Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 26.11.2007 passed in A.S. No.1 of 2004 by the Subordinate Judge, Kuzhithurai confirming the Judgment and Decree passed in O.S. No.355 of 1993 dated 29.08.2003 by the Principal District Munsif, Kuzhithurai.

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 Mrs.J.ANANDHAVALI, Advocate for the Appellant and of Mr.K.N.THAMPI, Advocate for second and third respondents and Mr.K.LINGAN, Advocate for fourth respondents Mr.C.GODWIN, Advocate for the seventh to ninth respondents, fifth and sixth respondent not appeared either in person or by an Advocate, this Court doth order and decree as follows:-

(1) That the Judgment and Decree of both the Courts below be and hereby are modified on the observations of the judgment herein and

<https://hcses.scribd.com/doc/111111111> is allowed.



- (2) That the plaintiff/Appellant herein is entitled to 1/10th share in the suit properties.
(3) That the shares of the other persons accordingly will get adjusted.
(4) That there be no costs in this Second Appeal.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1) The Subordinate Judge, Kuzhithurai
- 2) The Principal 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.J.ANANADHAVALLI, Advocate (SR-22979 dated 16/07/2021)
+1 CC to M/s.C.GODWIN, Advocate (SR-22814 dated 16/07/2021)
+1 CC to M/s.K.N.THAMBI, Advocate (SR-22973 dated 16/07/2021)

ORDER DATED : 16/07/2021

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DECREE

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SA(MD). No.735 of 2008

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the learned Subordinate Judge, Kuzhithurai, dated 26.11.2007 made in Appeal Suit No.1 of 2004, confirming the judgment and decree of the learned Principal District Munsif, Kuzhithurai, dated 29.08.2003 made in Original Suit No. 355 of 1993 and etc., as stated within.

RK (17.08.2021) 2P 8C