



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of June Two Thousand and Twenty One

PRESENT

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

SA(MD) . No.1039 of 2011

1. R.NAGARAJAN(died) ... Appellant/Appellant / Plaintiff

2. T.Selvi

3. Jeyapratha (Minor) ... Appellants
(Minor A3 rep through her mother A2)

[Appellants 2 & 3 are brought on LR's
of sole appellant vide order dt.29.01.2011)

.Vs.

1 S.SREENIVASAN ... Respondent/ Respondent/Defendant

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 29.04.2011 made in A.S. No.12 of 2009 on the file of the District Court, Kanniyakumari at Nagercoil partly reversing the Judgment and Decree dated 28.01.2009 made in O.S. No.42 of 2007 on the file of the Principal Subordinate Court, Nagercoil.

DECREE:-

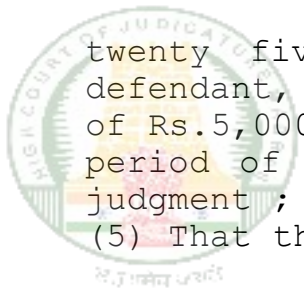
This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of MR.A.ARUMUGAM ADVOCATE for AJMAL ASSOCIATES, Advocate for the Appellant and of Mr.C.DHANASEELAN, Advocate for the respondent, this Court doth order and decree as follows:-

(1) that the Judgement and Decree dated 29.04.2011 made in A.S. No.12 of 2009 on the file of the District Court, Kanniyakumari at Nagercoil be and is hereby modified and the Second Appeal is partly Allowed with the following direction:

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(2) that the Plaintiff had deposited a sum of Rs.1,75,000/- (Rupees One Laksh Seventy five thousand only) to the credit of the first appeal, that the appellants are permitted to withdraw the said amount with together with accrued interest ;

(3) that the plaintiff had already paid a sum of Rs.25,000/- (Rupees



twenty five thousand only) towards sales consideration to the defendant, the defendant be and hereby is directed to return a sum of Rs.5,000/- (Rupees five thousand only) to the Appellants within a period of four weeks from the date of receipt of a copy of this judgment ; and

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

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The District Judge, Kanniyakumari at Nagercoil

2) The Principal Subordinate Judge, Nagercoil.

Copy to:

The Section Officer,V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-19705 dated 21/06/2021)

ORDER DATED : 18/06/2021

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DECREE

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SA(MD) . No.1039 of 2011

Nature of Decree:- Partly
Allowing the Second Appeal
preferred against the
judgment and decree dated
29.04.2011 made in A.S.
No.12 of 2009 on the file
of the District Court,
Kanniyakumari at Nagercoil
partly reversing the
Judgment and Decree dated
28.01.2009 made in O.S.
No.42 of 2007 on the file
of the Principal Subordinate
Court, Nagercoil etc., as
stated within.