



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

Monday, the Fourteenth day of June Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
SA(MD). No.1044 of 2011

WEB COPY

1. TAMILNADU ELECTRICITY BOARD,
K.PUDUR MADURAI-7 REP.THROUGH ,
SUPERINTENDING ENGINEER
2. TAMILNADU ELECTRICITY BOARD,
ANUPPANADI, MADURAI-9 REP.THROUGH ,
ASSISTANT EXECUTIVE ENGINEER ... Appellants /
1st & 2nd Respondents / 1st & 2nd Defendants

Vs

- 1 M.MARIAMMAL
W/O.LATE MUNIYANDI, NO.90, MOOKA NADAR LANE,,
KEERATHURAI, MADURAI..
- 2 M.THAMARAI KANNAN, S/O.LATE
MUNIYANDI, NO.90, MOOKA NADAR LANE,,
KEERATHURAI, MADURAI. (RR-2 & 3 ARE,
DECLARED AS MAJOR V.C. OR.DT.3.2.16 IN MP.1,
& 2/14 IN SA.NO.1044/11.
- 3 M.MANI
S/O.LATE MUNIYANDI, NO.90, MOOKA NADAR LANE,,
KEERATHURAI, MADURAI..
- 4 MINOR.M.RAVI
S/O.LATE MUNIYANDI, NO.90, MOOKA NADAR LANE,,
KEERATHURAI, MADURAI. (MINOR RESPONDENT 4
REP.BY THEIR MOTHER MARIAMMAL R1).
- 5 GOVINDHAN
S/O.PERUMAL, NO.90, MOOKA NADAR LANE,,
KEERATHURAI, MADURAI .. 1st to 5th Respondents /
Appellants / Plaintiffs
- 6 THE DISTRICT COLLECTOR
SHENOY NAGAR, MADURAI,
STATE OF TAMILNADU .. 6th Respondents /
3rd Respondents / 3rd Defendant

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in A.S. No.32 of 2009 dated 25.02.2011 of the I Additional District Judge, Madurai reversing the Judgment and Decree of the III Additional Subordinate Judge, Madurai in O.S. No.404 of 2008 dated 25.11.2008.

<https://hccourts.gov.in/cases>



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 MS.M.RAJESHWARI FOR MR.S.M.S.JOHNNY BASHA, Advocate for the Appellant and of MR.A.SHAHUL HAMEED, Advocate for the second and third respondent, this Court doth order and decree as follows:-

(1) That the judgment and decree made in A.S. No.32 of 2009 dated 25.02.2011 of the I Additional District Judge, Madurai is set aside and the Judgment and Decree of the III Additional Subordinate Judge, Madurai in O.S. No.404 of 2004 dated 25.11.2008 is restored and the Second Appeal is allowed.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1) The I Additional District Judge, Madurai
- 2) The III Additional Subordinate Judge, Madurai

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED : 14/06/2021

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D E C R E E

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SA(MD). No.1044 of 2011

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the I Additional District Judge, Madurai reversing the Judgment and Decree of the III Additional Subordinate Judge, Madurai in O.S. No.404 of 2004 dated 25.11.2008 etc., as stated within.

KMK (CO)

<https://hcservices.courts.gov.in/hcservices> SP 5C