



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

Thursday, the Twelfth day of August Two Thousand Twenty One
PRESENT

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

SA(MD). No.440 and 441 of 2010

- 1.KADHAR BEER (DIED)
2.Chinna Meera
3.Abdul Samad
4.Abdul Salam
5.Mohamed Fathu
6.Shaharban
7.Amaanullah
8.Mohamed Abdullah
9.Syed Meera
10.Jamal Mohamed

(Appellants 5 to 10 are suo motu impleaded
as legal heirs of the deceased 1st Appellant Vide
order dated.02.08.2021.)

... Appellants/Respondents/Defendants

-Vs-

THOO.A.KADHAR MEERA @ KARIM

... Respondent/Appellant/Plaintiff

Prayer in S.A. (MD). Nos. 440 and 441 of 2010:-

Second Appeals filed under Section 100 of C.P.C., against the the judgment and decree ,dated. 14.10.2009.made in A.S.Nos.72/08 and 73/08 respectively passed by the the Subordinate Judge, Sivagangai, against the judgement and decree dated 26.09.2007, made in Original Suit No.66 of 2005 passed by the District Munsif cum Judicial Magistrate,Thirupathur.

DECREE:-

These Second Appeals 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 V.R. VENKATESAN, Advocate for the Appeallant and of N.BALAKRISHNAN, Advocate for the respondent, this Court doth order and decree as follows:-

(1)That the judgement and decree of the first appellate Court viz.Subordinate Judge, Sivagangai, dated.14.10.2009. Made in Appeal Suit Nos.72 and 73 of 2008 be and hereby is set aside by considering an undertaking given by the Appellants herein.

(2)That the plaintiff/Respondent herein be and hereby is granted eight cents land on the northern side of the suit property, and the S.A.(MD).No.441 of 2010 is allowed and the S.A.(MD).No.440 of 2010 is disposed of accordingly, and

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

*** Schedule of property**

*** Enclosed herewith Separate Sheet**

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



TO

1.The Subordinate Judge,
Sivagangai.

2.The District Munsif cum Judicial Magistrate,
Thirupathur.

Copy to:

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

+1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-26449 dated 16/08/2021)

ORDER DATED : 12/08/2021

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DECREE

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SA(MD).Nos.440 and 441 of 2010

Nature of Decree:-

Disposing of the Second
Appeal No.440 of 2010 and
Allowing the Second
Appeal No. 441 of 2010
preferred against the
judgment and decree of
the Subordinate Judge ,
Sivagangai,dt.14.10.2009.
made in Appeal Suit No.
72 and 73 of 2008,
preferred against the
judgment and decree dated
26. 09. 2007. passed in
Original Suit No.66 of
2005 by the District
Munsif cum Judicial
Magistrate, Thirupathur.
etc., as stated within.

RS/UV (11.11.2021) 2P 6C

RS//SAR (25.11.2021) 2P C