



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

Thursday, the Seventeenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
SA(MD) . No.982 of 2009

WEB COPY

1. SUBBU LAKSHMI
2. SUBBAIA PANDYAN
3. VELUCHAMY
4. SUBRAMANIAN

... Appellants/Appellants/Defendants

Vs

1. PUSHMAMMAL
2. REGINA
3. MAHESWARI
4. KALAI MANI
5. VELKUMAR
6. GANASUNDARI.

D/o.Appadurai Nadar

(Res.6 declared as major

vide order dt.13.04.2010)

... Respondents/Respondents/
Plaintiffs

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 20.03.2009 made in A.S.46 of 2008 on the of the Principal Subordinate Judge, Tenkasi confirming the judgment and decree dated 30.06.2008 made in O.S. No.93 of 2007 on the file of the Principal District Munsif, Tenkasi.

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.M.KANNAN for Mr.S.Chellapandian, Advocate for the Appellant and of Mr.K.GOVINDARAJAN, Advocate for the first to fifth respondents, Mr.K.Narasimhan, Advocate for sixth respondents while allowing the Second Appeal, this Court doth order and decree as follows:-

(1) That the Judgement and Decree in A.S. No.46 of 2008 dated 20.03.2009 on the file of the Principal Subordinate Court, Tenkasi is set aside and the matter is remitted to the file of the First Appellate Court.

(2) That it is open to the parties to adduce additional evidence.

(3) That setting aside the impugned Judgment and Decree passed by the first appellate Court will not cloud on the merits of the claim
presented by Plaintiffs.



(4) That the first appellate court will decide the issue independently and entirely on its own merits.

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

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Principal Subordinate Judge, Tenkasi

2) The Principal District Munsif, Tenkasi

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+ 2 CCs to M/s.K.Govindarajan, Advocate in SR 19582

ORDER DATED : 17/06/2021

=====

D E C R E E

=====

SA(MD). No.982 of 2009

Nature of Decree : Allowing the Second Appeal the judgment and decree dated 20.03.2009 made in A.S. No.46 of 2008 on the file of the Principal Subordinate Court, Tenkasi confirming the Judgment and Decree dated 30.06.2008 made in O.S. No.93 of 2007 on the file of the Principal District Munsif, Tenkasi and etc., as stated within

KK(05.07.2021) 2P 6C