



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( CIVIL APPELLATE JURISDICTION )

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN

SA(MD) . NO.118 OF 2012

G. KRISHNAKUMARI ... Appellant/Appellant/Plaintiff

Vs

1. C. VELAYUDHAN NAIR (DIED)

2. LALITHAMBIGA AMMA ... Respondents/Respondents/Defendants

3. V.L. ASHA

4. V.L. MAYA JOTHI NAIR ... Respondents

(Appellants 3 and 4 are brought  
on record as Lrs of the deceased  
1<sup>st</sup> appellant vide order  
dated 03/08/2021 made in  
CMP (MD)NO.10050/2019 in SA(MD) NO.118/2012)

**Prayer :-**

Second Appeal filed under section 100 of Civil Procedure Code, against the judgment and decree dated 19/07/2011 of the learned District Court, Kanyakumari at Nagercoil passed in AS. NO.48 of 2009, partly confirming the judgment and decree dated 09/10/2009 of the learned Sub Court, Padmanabhapuram passed in OS. NO.67 of 2007.

**Decree:-**

This Second Appeal came up for hearing on this day, upon perusing the grounds of appeal, the judgment and decree 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.V.M.Balamohan Thambi, advocate for the appellant and of Mr.C.Dhanaseelan, advocate for the respondents, this court doth order and decree as follows:-

1) That the judgment and decree, dated 19/07/2011 passed in AS No.48 of 2009 on the file of the District Court, Kanyakumari at Nagercoil, be and hereby is confirmed and the Second Appeal is allowed.



2) That there be no costs in the Second Appeal.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1. The District Judge,  
Kanyakumari at Nagercoil.
2. The Subordinate Judge,  
Padmanabhapuram.

**Copy to:**

The Record Keeper,  
V.R. Section,  
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

- +1 cc to Mr. C. Dhanaseelan, advocate in CA SR NO.28894/2021.  
+1 cc to Mr. V.M. Balamohan Thambi, advocate in CA SR NO.28583/21.

ORDER DATED : 08/09/2021

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DECREE

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SA(MD). No.118 of 2012

**Nature of Decree:-** Allowing the Second Appeal preferred against the judgment and decree of the District Court, Kanyakumari at Nagercoil passed in AS. NO.48 of 2009 on 19/07/2011 and preferred against the judgment and decree of the Sub Court, Padmanabhapuram, passed in O.S. NO.67/2007 dated 09/10/2009 etc., as stated within.

NA (CO)  
GC (17.02.2022) 2P 7C