



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
MONDAY, THE NINETEENTH DAY OF JULY, TWO THOUSAND AND TWENTY ONE
PRESENT:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
SECOND APPEAL (MD) No.290 OF 2011

WEB COPY

Rajan

... Appellant/Respondent/Plaintiff

Vs.

1.Jose

...1st Respondent/Appellant/Defendant

2.Josephine Mary Indra

... 2nd Respondent

(R2 was impleaded vide Order dated 4.7.2013 made in MP(MD) No.1/2013 in SA(MD) No.290/2011)

This Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908 against the Judgment and Decree of the District Judge, District Court, Kanyakumari at Nagercoil dated 10.08.2010 passed in Appeal Suit No.9 of 2008 reversing the Judgment and Decree of the Subordinate Judge, Subordinate Court, Kuzhithurai dated 27.11.2007 passed in O.S. No.83 of 2005.

DECREE: This Second Appeal coming upon 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, the material papers in the suit and upon hearing the arguments of M/s J.Anandhavalli, Advocate for the Appellant, Mr.N.S.Ramakrishna Dass, Advocate for the first Respondent, and of Mr.J.Bharathan, Advocate for the second Respondent herein, this Court, while allowing the Appeal in part, doth order and decree as follows:-

- 1.That the first Respondent be and hereby is directed to return the advance amount of Rs.50,000/- (Rupees Fifty Thousand only) with interest at the rate of 6% per annum from 29.10.2005 till the date of repayment;
- 2.That the Plaintiff be and hereby is entitled to charge on the suit property, since the validity of the agreement is not disputed; and
3. And that there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dk

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Judge,
Kanyakumari at Nagercoil.

2.The Subordinate Judge,
Kuzhithurai.

Copy to :

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

+ 1 CC to M/s J.Anandhavalli, Advocate, copy application Sr.No.23039
dated 19.7.2021

+ 2 CC to M/s N.S.Ramakrishna Dass, Advocate, copy application
Sr.No.23017 dated 19.7.2021

+ 1 CC to M/s T.R.Jeyapalam, Advocate, copy application Sr.No.23239
dated 20.7.2021

Dated: 19.07.2021

DECREE

SA(MD) No. 290 of 2011

Nature of Decree

Partly Allowing the Appeal preferred against the J/D dated 10.08.2010 in AS.No.9/2008 on the file of the District Court, Kanyakumari at Nagercoil, against the J/D Dt. 27.11.2007 in O.S. No.83/2005 on the file of the Sub. Court, Khuzhithurai.

GC (08.10.2021) 2P 9C