



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Civil Appellate Jurisdiction )

Monday, the Twenty Third day of August Two Thousand Twenty One

PRESENT

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

SA(MD) . No.396 of 2011

DURAI @ PUTHIYAVAN, ... Appellant/Appellant/3<sup>rd</sup> Defendant

Vs

1 KUMARASAMY

2 MANI

3 VENGIDU

4 ESWARAN

5 MAHARAJAN

6 MINOR ESAKKI S/O.ESWARAN  
(Minor Rep. THROUGH HIS NATURE,  
GUARDIAN AND NEXT FRIEND 4TH RESPONDENT).

..Respondents 1 to 6/Respondents 1  
to 6/Plaintiffs

7 SUDALAIMUTHU KONAR (Died)

8 ESWARAN

(R-1 to R-3 and R-8 are recorded as LR.s. of the deceased R-7  
vide Order dated 06.09.2011 made in M.P.(MD)No.2 of 2011)

.. Respondent7 & 8/Respondents 7  
&8/Defendants 1 &2

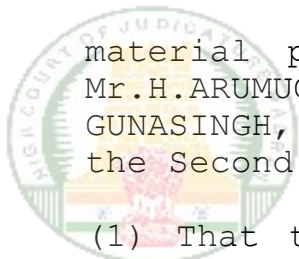
Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional Sub Court, Tirunelveli dated 04.03.2004 made in Appeal Suit No.147 of 2002 confirming the judgment and decree of the Principal District Munsif Tirunelveli made in Original Suit No. 739 of 1999 dated 13.08.2001.

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

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material papers in the Suit and upon hearing the arguments of Mr.H.ARUMUGAM, Advocate for the Appellant and of Mr.P.SAMUEL GUNASINGH, Advocate for the respondents, this Court while allowing the Second Appeal doth order and decree as follows:-

(1) That the Judgment and Decree of the II Additional Sub Court, Tirunelveli dated 04.03.2004 made in Appeal Suit No.147 of 2002 confirming the judgment and decree of the Principal District Munsif Tirunelveli made in Original Suit No. 739 of 1999 dated 13.08.2001, be and hereby are set aside

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO

1.II Additional Sub Court, Tirunelveli

2.The Principal District Munsif Tirunelveli

Copy to:

The Section Officer,  
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

1cc to Mr.H.Arumugam, Advocate Sr.27066.

ORDER DATED : 23/08/2021

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DECREE

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SA(MD). No.396 of 2011

Nature of Decree:- Allowing the

Second Appeal preferred against the judgment and decree of the II Additional Sub Court, Tirunelveli dated 04.03.2004 made in Appeal Suit No.147 of 2002 confirming the judgment and decree of the Principal District Munsif Tirunelveli made in Original Suit No. 739 of 1999 dated 13.08.2001 and etc as stated within.