



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

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

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

SA(MD). No.940 of 2010

BASKARAN, ... Appellant/7th Appellant/7th Defendant

-Vs-

1 VALLI
2 SRI RENGAM ...respondents 1 & 2/respondents/plaintiffs

3 AARAYEE

4 KARUTHAVANAM

5 SINGAMUTHU

6 MUTHULAKSHMI

7 MINOR. MURALI

8 MINOR. NIVETHA

... Respondents 3 to 8/Appellants 1 to 6/Defendants 1 to 6

(MINORS 7 & 8 REP. BY THEIR NEXT FRIEND AND GUARDIAN AND MOTHER 6TH RESPONDENT MUTHULAKSHMI).

Prayer:-

Second Appeal filed under Section 100 of C.P.C.,to set aside the judgment and decree of the Sub Court, Pattukottai,dated 28.06.2010, made in Appeal Suit No.39 of 2009 on the file of the Sub Court, Pattukottai, confirming the judgment and decree in O.S.No.93 of 2008, dated 18.08.2009, on the file of the District Munsif, Pattukottai.

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 M/S. K. Govindarajan for Mr.K.K.Ramakrishnan, Advocate for the Appellant and M/S. Meenakshi Sundaram, Senior Counsel for Mr.K.Baalasundharam, Advocate for the first to fourth and sixth to eighth respondents herein, and the fifth respondent herein is not appearing either in person or by Advocate and this Court doth order and decree as



(1) That the Judgment and Decree of the 1st Appellate Court Viz., Sub Court, Pattukottai, be and hereby is modified by recording the offer made by the appellant/7th defendant and the Second Appeal is Disposed of.

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(2) That as per the offer, the plaintiffs/respondent 1 and 2 herein, be and hereby entitled to take 6 cents of land as a single piece abetting road on the north eastern side, in suit item No.1.

(3) That the appellant herein, be and hereby is entitled to take the remaining 16 cents of land in suit item No.1.

(4) That the shares of the other respondents were not contested in this appeal, it will remain adjusted in the final decree proceedings.

(5) That the plaintiffs be and hereby are directed to file a final decree petition within a period of six weeks from the date of receiving a copy of the preliminary decree.

(6) That on such petition is being filed, the court concerned be and hereby directed dispose of the final decree proceedings within a period of six months thereafter.

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

Sd/-

Assistant Registrar(CS-III)

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/ /2022

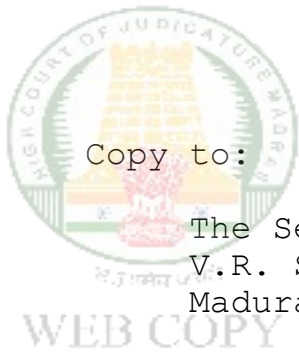
Sub Assistant Registrar(CS)

Encl.: The sketch filed by the appellant and the Schedule of property

TO

1. The Sub Judge,
Sub Court,
Pattukottai.

2. The District Munsif,
District Munsif Court,
Pattukottai.



Copy to:

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

ORDER DATED : 08/09/2021

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DECREE

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SA(MD) . No.940 of 2010

Nature of Decree:- Disposing the Second Appeal preferred against the judgment and decree of the Sub Court, Pattukottai, dated 28.06.2010, made in Appeal Suit No.39 of 2009 on the file of the Sub Court, Pattukottai, confirming the judgment and decree in O.S.No.93 of 2008, dated 18.08.2009, on the file of the District Munsif, Pattukottai, etc., as stated within.

(CO)

TR(04.03.2022) 3P 5C