



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

Thursday, the Sixteenth day of September Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice **G.R.SWAMINATHAN**
SA(MD) . No.559 of 2011

WEB COPY

Devasahayam Koil Pillai

... Appellant/Appellant/Plaintiff
Vs

1. Grace Thangasamy @ Vimala Mary

2. Thomas John Britto(Died)

...Respondents/Respondents/Defendants

3. Sriya PushpamP

4. T.Rupan

5. Jeni

(Respondents 3 ti 5 brought on record as LR's of there
deceased 2nd Respondent)

... Respondents/... /
LR's of the Deceased 2nd Defendant.

Prayer:- Appeal filed under Section 100 of C.P.C., against the Judgment and Decree of the Principal District Court, Tirunelveli, dated 17.02.2011 made in Appeal Suit No.22 of 2009, confirming the Judgment and Decree of the Court of the Principal Sub Court, Tenkasi made in Original Suit No. 49 of 2007 dated 15.04.2009.

DECREE:- This Second Appeal coming on for hearing on this day, 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.H.ARUMUGAM, Advocate for the Appellant and of Mr.D.SRINIVASARAGHAVAN, Advocate for the 1st Respondent and of Mr.S.RAJASEKAR for Mr.T.LAJAPATHI ROY, Advocate for the Respondents 3 to 5, this Court doth order and decree as follows:-

(1) That, the Judgment and Decree of the Principal District Court, Tirunelveli, dated 17.02.2011 made in Appeal Suit No.22 of 2009, confirming the Judgment and Decree of the Court of the Principal Sub Court, Tenkasi made in Original Suit No. 49 of 2007 dated 15.04.2009 be and hereby set aside and this Second Appeal is allowed;

(2) that, the preliminary decree is passed in favour of the plaintiff granting him 1/3 rd share in the suit property and



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

Schedule of Property vide separate sheet

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Principal District Judge, Tirunelveli.

2. The Principal Sub Judge, Tenkasi

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-29427[F] dated 17/09/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-29417[F] dated 17/09/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-29501[F] dated 17/09/2021)

ORDER DATED : 16/09/2021

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DECREE

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SA(MD). No.559 of 2011

Nature of Decree:- Allowing the Second Appeal preferred against the Principal District Court, Tirunelveli, dated 17.02.2011 made in Appeal Suit No.22 of 2009, confirming the Judgment and Decree of the Court of the Principal Sub Court, Tenkasi made in Original Suit No. 49 of 2007 dated 15.04.2009 and etc., as stated within.