



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

Friday, the First day of October Two Thousand Twenty One

PRESENT

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

SA(MD). No.1031 of 2006

HARIDHAS ... Appellant/Appellant/Defendant

Vs

1 VIJAYAKUMAR

2 PADMINI

3 RAGINI

4 VASINI

5 RUPINI ... Respondents/Respondents/Plaintiffs

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Subordinate Court, Padmanabhapuram, dated 14.09.2004 made in A.S. No.95 of 2002 confirming the Judgment and Decree of the District Munsif cum Judicial Magistrate, Eraniel dated 11.04.2002 in O.S. NO.31 OF 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 material papers in the Suit and upon hearing the arguments of MR.N.DILIP KUMAR, Advocate for the Appellant and of MR.V.M.BALAMOHANTHAMBHI, Advocate for the respondent, this Court doth order and decree as follows:-

- 1.That the Judgment and Decree passed by the Subordinate Court, Padmanabhapuram, dated 14.09.2004 made in A.S. No.95 of 2002 confirming the Judgment and Decree of the District Munsif cum Judicial Magistrate, Eraniel dated 11.04.2002 in O.S. nO.31 OF 2001 be and hereby are modified and the Plaintiffs/Respondents herein will be entitled to permanent injunction in respect of 7 cents of land covered under Ex.A2/Mortgage deed dated 20.09.1956;

<https://hcservices.courts.gov.in/hcservices/> Plaintiffs/Respondents herein do not have any



title as such and they cannot be dispossessed except due process of law in respect of 7 cents of land covered Under the Ex.A2/Mortgage Deed.

3.That the Second Appeal be and hereby is partly allowed accordingly and there be not costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Enclosed herewith Copy of the Schedule of Property.

TO

1.The Subordinate Judge, Padmanabhapuram.

2.The District Munsif cum Judicial Magistrate,
Eraniel.

Copy to:

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

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-30952[F] dated 01/10/2021)

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-30910[F] dated 01/10/2021)

ORDER DATED : 01/10/2021

=====

DECREE

=====

SA(MD). No.1031 of 2006

Nature of Decree:-Partly Allowing the Second Appeal preferred against the judgment and decree of the Subordinate Court, Padmanabhapuram, dated 14.09.2004 made in A.S. No.95 of 2002 confirming the Judgment and Decree of the District Munsif cum Judicial Magistrate, Eraniel dated 11.04.2002 in O.S. nO.31 OF 2001, etc., as stated within.

RD(16.02.2022) 2P 7C

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