



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

Tuesday, the Twenty Second day of June Two Thousand Twenty One

PRESENT

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

SA(MD) . No.65 of 2013

1. PARI
2. RANJITHA

... Appellants/Appellants/Claim
Petitioners/3rd Party/3rd Party

Vs

1. PALANISAMY
2. RAJALINGAM,

(THE 2ND RESPT HEREIN IS SET EXPARTE
IN BOTH THE HENCE SERVICE OF NOTICE TO HIM
MAY BE DISPENSED WITH)

... Respondents 1 and 2/
Respondents 1 and 2/ Decree
Holder/Plaintiff/Judgment
Debtor/Defendant

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the District Judge, Karur, dated 20.11.2012 made in Appeal Suit No. 27 of 2011 preferred against the judgment and decree of the court of the Principal Sub Court, Karur made in E.A.No. 189/2009 in E.P.No. 66/2008 in Original Suit No. 466/2003 dated 16.08.2011.

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.V.MEENAKSHISUNDRAM, Advocate for the Appellant and of MR.S. MADHAVAN for MR.M. KARTHIKEYA VENKITACHALAPATHY, Advocate for the 1st respondent, this Court doth order and decree as follows:

(1) That, the impugned orders which have the force of decree be and hereby modified and the claim made by the Appellants in respect of item no. 5 be and hereby sustained and the decree - holder is at liberty to proceed against the remaining five items only,

(2) that, the Appellants be and hereby directed to give an undertaking through their Counsel that they would respect the rights of the decree - holder to proceed against the order items

(3) that, the Executing Court below be and hereby is directed to conclude the execution proceedings within a period of six months from the date of resumption of regular functioning and



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(4) that, this Second Appeal be and hereby disposed in the above terms and that there be no costs in this Second Appeal.

// True Copy //

Sd/-

Assistant Registrar (CO)

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Judge, Karur.
2. The Principal Sub Judge, Karur.

Copy to

The Record Keeper

V.R. Section

Madurai Bench of Madras High Court, Madurai. (2C)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-19875 dated 22/06/2021)

ORDER DATED : 22/06/2021

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DECREE

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SA(MD) . No.65 of 2013

Nature of Decree :

Disposing the Appeal preferred against the judgment and decree of the District Judge, Karur, dated 20.11.2012 made in Appeal Suit No. 27 of 2011 preferred against the judgment and decree of the court of the Principal Sub Court, Karur made in E.A.No. 189/2009 in E.P. No. 66/2008 in Original Suit No. 466/2003 dated 16.08.2011 and etc. as stated within.

RC (22.07.2021) 2P-6C

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