



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

**Tuesday, the Twenty Second day of June Two Thousand and Twenty One
PRESENT**

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

SA(MD) . No.786 of 2013

THANGATHAI, ... Appellant/1st Respondent/Plaintiff
Vs
1 RAMAKRISHNAN
2 PARTHASARATHY ... 1st & 2nd Respondent / Appellants /
1st and 2nd Defendants
3 POOLPANDIAN ... 3rd Respondent / 2nd Respondent /
3rd Defendant

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in A.S. No.22 of 2010 dated 18.12.2012 on the file of the Principal District Court, Tuticorin reversing the Judgment and Decree passed in O.S. No.63 of 2008 dated 24.08.2010 on the file of the Subordinate Court, Kovilpatti.

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.H.ARUMUGAM, Advocate for the Appellant and of Mr.K.Rajeswaran, Advocate for second respondent and of Mr.D.NALLATHAMBI, Advocate for the third respondent, this Court doth order and decree as follows:-

(1) That the Judgment and Decree passed in A.S.22 of 2010 dated 18.12.2012 on the file of the Principal District Court Tuticorin be and hereby is set aside and Judgment and Decree passed in O.S.No.63 of 2008 dated 24.08.2010 on the file of the Sub Court, Kovilpatti, is restored and this Second Appeal is Allowed.

(2) That the Appellant Thangathai do pay a sum of Rs.1,30,000/- together with interest @ 12% p.a. to Poolpandian / 3rd respondent and a sum of Rs.1,30,000/- together with interest @ 12% p.a. to Parthasarathy / 2nd Respondent from March 2003 till date of payment.

(3) That a sum of Rs.1,67,000/- which was already deposited by the Appellant to the credit of O.S. No.12 of 2004 on 18.01.2014, shall be given due credit and Poolpandian / 3rd respondent and Parthasarathy/2nd respondent shall withdraw the said amount in equal shares.



(4) That there shall be a charge on the suit property for the balance amount.

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

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Principal District Judge, Tuticorin

2) The Subordinate Judge, Kovilatti.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-19956 dated 23/06/2021)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-19957 dated 23/06/2021)

+1 CC to M/s.K.Rajeshwaran, Advocate (SR-20099 dated 24/06/2021)

ORDER DATED : 22/06/2021

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DECREE

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SA(MD). No.786 of 2013

Nature of Decree :- Allowing the Second Appeal preferred against the judgment and decree of the passed in A.S. No.22 of 2010 dated 18.12.2012 on the file of the Principal District Court, Tuticorin reversing the Judgment and Decree passed in O.S. No.63 of 2004 dated 24.08.2010 on the file of the Subordinate Judge, Kovilpatti. etc., as stated within.