



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

Monday, the Twenty Sixth day of July Two Thousand Twenty One

PRESENT

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

SA(MD) . No.902 of 2013

S.RADHAKRISHNAN (DIED),

1) PARVATHAKUMARI

2) R.JANAKI

3) R.SEETHA ... Appellants / Respondents /
3rd parties

(LRs of the deceased Radhakrishnan
(Sole defendant in the suit)

Vs

1 THAYAMMAL

2 S.VENKATESH

... Respondents / Defendants /
Plaintiffs

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 15.07.2013 passed in A.S. No.41 of 2012 of the III Additional District and Sessions Court, Tirunelveli modifying the Judgment and decree dated 29.02.2012 passed in O.S. No.257 of 2010 on the file of the II Additional Subordinate Court, Tirunelveli.

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.V.MEENAKSHI SUNDARAM FOR Mr.D.NALLATHAMBI, Advocate for the Appellant and of Mr.S.BALASUBRAMANIAN, Advocate for the respondent, while modifying the judgement of the first appellate Court in respect of the interest portion, this Court doth order and decree as follows:-

(1) That the Judgment and Decree dated 15.07.2013 in A.S. No.41 of 2012 on the file of the III Additional District and Sessions Court, Tirunelveli is modified and this Second Appeal is partly allowed.

(2) That the appellants be and hereby are directed to pay subsequent interest only @ 6%



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

Sd/-

Assistant Registrar (CS II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

To

- 1) The III Additional District and Sessions Judge,
Tirunelveli.
- 2) The Second Additional Subordinate Judge,
Tirunelveli.

Copy to:

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

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-24069 dated 27/07/2021)

+1 CC to M/s.K.ESAKKI, Advocate (SR-23992 dated 27/07/2021)

ORDER DATED : 26/07/2021

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DECREE
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SA(MD). No.902 of 2013

Nature of Decree:- Partly Allowing the Second Appeal preferred against the judgment and decree dated 15.07.2013 passed in A.S. No.41 of 2012 of the III Additional District and Sessions Court, Tirunelveli modifying the Judgment and decree dated 29.02.2012 passed in O.S. No.257 of 2010 on the file of the II Additional Subordinate Court, Tirunelveli etc., as stated within.