



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Thirtieth day of June Two Thousand and Twenty One

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PRESENT

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

SA(MD). No.606 of 2006

and

CROSS OBJECTION(MD).No.26 of 2006

1. Karunakaran

2. Ayyammal

3. Ponnuthayi

4. Rajathi ...Appellant / Respondents 1 to 4 / Defendants
1 to 4 in SA(MD). No.606 of 2006

...Respondents / Appellants / Respondents 1 to 4 /
Defendants 1 to 4 in CROSS OBJECTION(MD).No.26 of 2006

Vs

1. Mookammal ...1st Respondent / Appellant / Plaintiff
in SA(MD). No.606 of 2006

...Cross appellant / 1st Respondent / Appellant /
Plaintiff in CROSS OBJECTION(MD).No.26 of 2006

2. Seeniyammal

3. Palaniyammal ...Respondents 2 & 3 / Respondents 5 & 6 /
Defendants 5 & 6 in SA(MD). No.606 of 2006

...Respondents / Respondents 2 & 3 / Respondents 5 & 6
Defendants 5 & 6 in CROSS OBJECTION(MD).No.26 of 2006

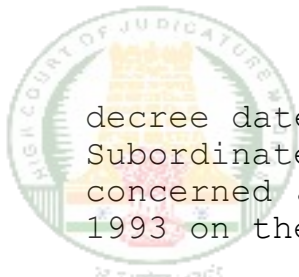
Prayer in SA(MD). No.606 of 2006:-

Second Appeal under section 100 of Civil Procedure Code,
against the judgment and decree dated 23.09.2004 made in A.S.No.39
of 2002 on the file of the Subordinate Judge, Periyakulam, partly
allowing the judgment and decree dated 16.07.2001 made in O.S.No.765
of 1993 on the file of the District Munsif, Uthamapalayam.

Prayer in CROSS OBJECTION(MD).No.26 of 2006:-

Cross Objection filed under Order XLI Rule 22 read with
section 100 of Civil Procedure Code, to set aside the judgment and

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decree dated 23.09.2004 made in A.S.No.39 of 2002 on the file of the Subordinate Judge, Periyakulam, so far as the cross appellant is concerned and thereby decree dated 16.07.2001 made in O.S.No.765 of 1993 on the file of the District Munsif, Uthamapalayam.

DECREE:-

Second Appeal and Cross Objection having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.K.Govindarajan, Advocate for the Appellant (in SA(MD). No.606 of 2006 and Respondents 1 to 4 in CROSS OBJECTION(MD).No.26 of 2006) and of Mr.M.V.Venkata Seshan, Advocate for the 1st Respondent (in SA(MD). No.606 of 2006) and for the cross objectors in CROSS OBJECTION(MD).No.26 of 2006), while dismissing the both the cases, this Court doth order and decree as follows:-

1 That the judgment and decree dated 23.09.2004 made in A.S.No.39 of 2002 on the file of the Subordinate Judge, Periyakulam, confirming the judgment and decree dated 16.07.2001 made in O.S.No.765 of 1993 on the file of the District Munsif, Uthamapalayam be and hereby is confirmed and this Second Appeal and the Cross Objection are dismissed and ;

2 That there be no costs in this Second Appeals

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1 The Subordinate Judge, Periyakulam.
- 2 The District Munsif, Uthamapalayam

Copy to

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (+2copies)

+1 CC to M/s.K.GOVINDARAJAN, Advocate, SR-20846

+1 CC to M/s.M.V.VENKATASESHAN, Advocate, SR-20942



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SA(MD). No.606 of 2006

ORDER DATED : 30/06/2021

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DECREE

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SA(MD). No.606 of 2006
and
CROSS OBJECTION(MD).No.26
of 2006

Nature of Decree :
Dismissing the Second
Appeal and Cross Objection
against the judgment and
decree dated 23.09.2004
made in A.S.No.39 of 2002
on the file of the
Subordinate Judge,
Periyakulam, partly
allowing the judgment and
decree dated 16.07.2001
made in O.S.No.765 of
1993 on the file of the
District Munsif,
Uthamapalayam etc., as
stated within.

RD(17.08.2021) 3P 7C