



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CIVIL APPELLATE JURISDICTION)**

**MONDAY, THE SIXTH DAY OF SEPTEMBER TWO THOUSAND TWENTY ONE
PRESENT**

**THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN
SA(MD) . NO.806 OF 2006**

WEB COPY

1.Ramaiah (Died), ... Appellant / Respondent / Defendant

2.R. Parameshwari

W/o.M.Ramiah, No.14, Anna Nagar,
(New No.5/124), Kuthukalvalasai,
Tenkasi Taluk, Tenkasi District.

3.Ravi

S/o.Late.Ramaiah,
No.14, Anna Nagar, New No.5/124,
Kuthukalvalasai,
Tenkasi Taluk and District.

4.E.Lakshmi

W/o.A.Esaki,
D/o.Late.Ramaiah,
No.4/57c, Vannuvar Street,
Oorkadu, Ambasamudram Taluk,
Tirunelveli.

5.Rajkumar

S/o.Late.Ramaiah,
No.14, Anna Nagar, New No.5/124,
Kuthukalvalasai, Tenkasi Taluk and District.

6.Ramkumar

S/o.Late.Ramaiah,
No.14, Anna Nagar, New No.5/124,
Kuthukalvalasai,
Tenkasi Taluk and District. ... Appellants

(2nd Appellant to 6th Appellant are brought on Record as LRs
deceased 1st Appellant)



.Vs.

MARY JOSHEPHIN
W/O. PANNEERDOSS,
D.NO. M-67,
HOUSING BOARD,
TENKASI TALUK.

... Respondent /Appellant /Plaintiff

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 27.06.2006 passed in A.S. No.135 of 2005 on the file of the Additional Subordinate Court, Tenkasi, reversing the Judgment and Decree dated 09.12.2003 passed in O.S. No.75 of 2000 on the file of the District Munsif, Sengottai.

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.T.LAJAPATHI ROY Advocate for the Appellants and of Mr.V.MEENAKSHISUNDARAM Advocate for D.NALLATHAMBI, Advocate for the respondent, it is ordered,

(1) That the Judgments and Decrees of the both courts below be and are hereby set aside and the matter is remanded to the file of the trial Court,

(2) That the District Munsif Court, Sengottai do restore the suit to its original number in the register and proceed to dispose of the Court in the light of the observations and directions contained in the judgment herein,

(3) That this Second Appeal is be and hereby allowed.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1) The Principal Subordinate Judge,
Tenkasi

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



- 2) The Additional Subordinate Judge, Tenkasi.
- 3) The District Munsif, Sengottai.

COPY TO:-

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

+1 CC to M/s.D.NALLATHMABI, Advocate (SR-28386[F] dated
07/09/2021)

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-28410[F] dated
07/09/2021)

ORDER DATED : 06/09/2021

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DECREE

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SA(MD). No.806 of 2006

Nature of Decree:- Allowing the Second Appeal preferred against the order dated 27.06.2006 made in A.S. No.135 of 2005 on the file of the Additional Subordinate Court, Tenkasi, reversing the judgment and decree dated 09.12.2003 made in O.S. No.75 of 2000 on the file of the District Munsif Court, Sengottai and etc., as stated within.

kmk (CO)
GC (09.02.2022) 3P 9C