



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

Wednesday, the Twenty Second day of September Two Thousand
Twenty One

PRESENT

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

SA(MD). No.142 of 2005

WEB COPY

1. VENKATESWARAN

2. BHUVANESHWARAN

(Appellants are declared as major and the
guardianship was discharged vide order dt
03.07.2018)

... Appellants / Appellants /
Plaintiffs

Vs

1 SUBBAMMAL

W/O. LATE. PERUMAL KOUNTER, KONUR,,
KASAVANAMPATTY, DINDIGUL TALUK..

2 P.GOPAL

S/O. LATE. PERUMAL KOUNTER, KONUR,,
KASAVANAMPATTY, DINDIGUL TALUK..

3 VIRUNAGAMMAL

W/O. CHINNAMUTHU KOUNTER, KONUR,,
KASAVANAMPATTY,
DINDIGUL TALUK.

(1st Respondent and 2nd Respondent remained
exparte)

... Respondents / Respondents /
Defendants

Prayer:- Second Appeal filed under Section 100 of C.P.C., against the judgment and decree in A.S. No.95 of 2002 on the file of the Principal Subordinate Judge, Dindigul dated 17.09.2004 confirming the Judgment and Decree passed in O.S. No.396 of 1999 dated 25.10.2000 on the file of the I Additional District Munsif, Dindigul.

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.S.NATARAJAN, Advocate for the Appellant and of MR.D.SENTHIL, Advocate for the 3rd respondent, while disposing off the Second Appeal, this Court doth order and decree as follows:-

(1) That the Defendants cannot interfere with the Plaintiffs' possession and enjoyment in respect of the property covered under Survey No.769/3 measuring an extent of 27 cents as referred to in Ex.B1 dated 01.04.1970 executed by Thirumalaisamy Gounder in favour

<https://hcservices.courts.gov.in/2>

(2) That the Plaintiffs can initiate proceedings under Order 21 Rule 34 of C.P.C, for punishing for disobedience of the decree passed by



this court if any interference with the said property.

(3) That the Plaintiffs have then to establish co-relation, both the parties will be at liberty to adduce evidence in such proceedings.

(4) That the jurisdictional revenue authorities will have to be necessarily examined.

(5) That the Plaintiffs to establish that the suit property is very much covered under Ex.B1 dated 01.04.1970.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1) The Principal Subordinate Judge, Dindigul.
- 2) The I Additional District Munsif, Dindigul.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 cc to M/s.S.Natarajan, Advocate in SR 29990/2021

+1 cc to M/s.D.Senthil, Advocate in SR.29991 / 2021

ORDER DATED : 22/09/2021

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DECREE

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SA(MD). No.142 of 2005

Nature of Decree:- Disposing the Second Appeals preferred against the order dated 17.09.2004 made in A.S. No.95 of 2002 made in Principal Subordinate Judge, Dindigul confirming the Judgment and Decree dated 25.10.2000 passed in O.S.396 of 1999 I Additional District Munsif, Dindigul and etc., as stated within.