



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice R. VIJAYAKUMAR

SA(MD) . No.225 of 2005

and

Cross Objection (MD) No.22 of 2008

SA(MD) . No.225 of 2005

S.BALASUBRAMANIAN,

... Appellant/Appellant/2nd Defendant

Vs

1 S.NATARAJAN

2 S.RAJASEKARAN

...Respondents 1 &2/Respondents1 &2 /Plaintiffs

3 S.PARVATHI

... 3rd Respondent/3rd Respondent/3rd Defendant

Cross Objection (MD) No.22 of 2008

1 S.NATARAJAN

2 S.RAJASEKARAN

... Cross Objectors/Respondents 1 & 2

Vs

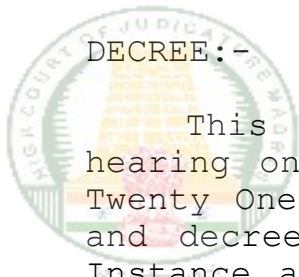
1.S.BALASUBRAMANIAN,

2.S.PARVATHI

...Respondents /Appellant and 3rd Respondent

Common Prayer:-

These Appeals filed, against the judgment and decree of the Principal District Judge, Tiruchirapalli dated 22.07.2004 made in Appeal Suit No.66 of 2004, partly confirming the judgment and decree of the District Munsif cum Judicial Magistrate Court Lalgudi made in Original Suit No. 502 of 1995 dated 15.12.2003.



DECREE:-

This Second Appeal and Cross objection coming on for final hearing on wednesday the Seventeenth day of November Two Thousand Twenty One and 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.K.GOVINDARAJAN, Advocate for the Appellant in Appeal and first respondents in Cross Objection, and of Mr.G.SRIDHARAN, Advocate for M/s.T.M.Hariharan the respondent one and two in Appeal and Cross Objectors in Cross Objection, having stood over for consideration by this Court till this day and while allowing the appeal in part, and Dismissing the Cross objection doth order and decree as follows:-

(1) That in view of the death of third defendant, the share granted in favour of the third defendant shall equally devolve upon the plaintiffs.

(2) That the Plaintiffs be and hereby is entitled to 11/32 share each.

(3) That in other respects the Judgment and decree of the First Appellate Court viz., the Principal District Judge, Tiruchirapalli dated 22.07.2004 made in Appeal Suit No.66 of 2004 be and hereby is confirmed.

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

Description of Property

1) In Samayapuram Kannanoor (Lalgudi Taluk) in R.S.No.105/A the vacant site measuring 30 feet by 83 feet including the house therein and the house in Rs 105/B door No.2/16 it is in Mariamman Sannathy st., South of street. West of the lane and house of Muthulakshmi and north of street. A part of this House in the front has been left by the 2nd defendant for a daily rate of Rs.30/- Market Value Rs.10,000/-

2) The vacant site of 4 cents west of Ramaswamy Nattar's house of lane north of the south east to west street east of Durairaj Nattar's site and south of Kannaiyan (Padmanaban) house (Market value of Rs.400/-)

(3&4) 15C out /30 cents in Rs. 131/7 and 14C of 28cents in Rs.130/- in Marudur village (market value is Rs.5800/-)

3) In Marudur in patta No.264 Rs 118/5 the Nanja measuring 26 ½ and Market value Rs.5,300/-

Sd/-

Assistant Registrar (CS-I)

// True Copy //



TO

1.The Principal District Judge, Tiruchirapalli

2.The District Munsif cum Judicial Magistrate,
Lalgudi, Tiruchirapalli

WEB COPY

Copy to:

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

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-35411 dated
22/11/2021)

+2 CC to M/s.T.M. HARIHARAN, Advocate (SR-35397 dated 22/11/2021)

ORDER DATED : 22/11/2021

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DECREE
=====

SA(MD) . No.225 of 2005
and
Cross Objection (MD) No.22 of 2008

Nature of Decree:- Partly Allowing
the Appeal preferred against the
Judgment and decree of the Principal
District Judge, Tiruchirapalli
dated 22.07.2004 made in Appeal Suit
No.66 of 2004, partly confirming
the judgment and decree of the
District Munsif cum Judicial
Magistrate Court Lalgudi made in
Original Suit No. 502 of 1995 dated
15.12.2003 and etc as stated
withtin.

RD(23.12.2021) 3P 8C