



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

PRESENT

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

SA(MD) . No.613 of 2005

SANTHA THANGARAJ, ... Appellant/Appellant/Plaintiff

Vs

1 SMT.P.DEVAMANI

2 SMT.K.PONNAMMAL ... Respondents/Respondents/Defendants

Prayer:-

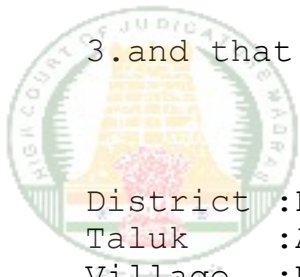
This Second Appeal is filed under section 100 of code of Civil Procedure, 1908 against the Judgment and Decree of the District Judge, District Court, Kanyakumari District at Nagercoil dated 07.02.2005 made in A.S.No.228 of 2003, confirming the Judgment and Decree of the Principal Subordinate Judge, Principal Subordinate Court, Nagercoil dated 08.10.2003 made in O.S.No. 40 of 1996

DECREE:-

This Second Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance the material papers in the Suit and upon hearing the arguments of Mr.K.Govindarajan for M/s.J.Parekh Kumar, Advocate for the Appellant and of Mr.P.Thiyagarajan for M/s. G.Cenil, Advocate for the first respondent(the second Respondent not appearing either in person or through and Advocate), this Court while allowing the appeal, doth order and decree as follows:-

1.That the Judgment and decree dated 07.02.2005 made in A.S.No. 228 of 2003 on the file of the District Court, Kanyakumari district at Nagercoil and the Judgment and Decree dated 08.10.2003 made in O.S.No.40 of 1996 on the file of the Principal Subordinate court be and hereby are set aside and the matter is remitted back to the file of the Principal Sub court, Nagercoil.

2.That the Principal Sub Judge, Nagercoil do restore the Suit to its Original number in the register and proceed to dispose of the Suit in the light of observations and directions contained in the judgment herein.



3.and that thereby no costs in this Second Appeal.

Schedule of Property

District :Kanyakumari
Taluk :Agesteeswaram
Village :Needakarai A Village
Sy.No. :Re.Sy.no. G.5/27/15

Description of Property:

Northern 3 ½ cent of land and the thatched shed therein our of 7 cents in the above said survey number.

Boundaries:

East :1st Defendants Plot

South :Thankamma's Property

West :Yespalaia Samuel Property

North :Monickam Property

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The District Judge,
Kanyakumari District at Nagercoil.

2.The Principal Subordinate Judge,
Nagercoil.

Copy to

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

+1 CC to M/s.J.PAREKH KUMAR, Advocate (SR-22815 dated 16/07/2021)

+1 CC to M/s.G.CENIL, Advocate (SR-22977 dated 16/07/2021)



WEB COPY

ORDER DATED :15.07.2021

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DECREE

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SA(MD) . No.613 of 2005

Nature of Decree:- Allowing the Appeal preferred against the Judgment and decree dated 07.02.2005 made in A.S.No. 228 of 2003 on the file of the District Court, Kanyakumari district at Nagercoil against the Judgment and Decree dated 08.10.2003 made in O.S.No.40 of 1996 on the file if the Principal Subordinate court, Nagercoil

KB (13.09.2021) 3P 7C