



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

SA(MD) . No.284 of 2021

A.NAGALINGAM, ... Appellant/Appellant/Defendant

Vs

S.DHANALAKSHMI ... Respondent/Respondent/Plaintiff

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 02.11.2020 made in AS No.169 of 2017 on the file of the Second Additional Subordinate Judge, Trichirapalli confirming the judgment and decree dated 20.04.2016 made in O.S.No.1043 of 1997 on the file of the First Additional District Munsif, Trichirapalli.

DECREE:-

This Second Appeal coming on for hearing under the provisions of Rule II of Order XLI of Schedule I of the Code of Civil Procedure 1908, upon perusing the Grounds of Appeal and the judgments and decrees of the Lower Appellate Court and the Court of First Instance and upon hearing the arguments of MR. M. ASHOK KUMAR, Advocate for the Appellant and the counsel for the appellant has been filed undertaking affidavit, dated 15/09/2021 in SR.No.20503, it is ordered and decreed that this Second Appeal be and hereby is dismissed on the basis of under taking Affidavit;

(2)That the Appellant herein/Defendant be and hereby agreeing to vacate the suit property on or before 01.04.2022 before the Execution Court in E.P.No.32 of 2019.

(3)That the appellant herein be and hereby is directed to vacate and hand over the suit property to the respondent and time is granted till 01.04.2022.

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



Schedule of Property

Trichy District, Srirengam Taluk - Perungamadi Village, in S.F.No.237/35 the property measuring 30 ft. East - West and 34 ft South - North situated to the south of Natesan's property, east and West of the plaintiff's other property and North of Narasam lane - in this the property excluding the thatched house portion measuring about 17 ft. North-South and 16 ft. East - West. The property is shown as EFGH excluding JKLM in the plaint Plan.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The II Additional Subordinate Judge,
Tiruchirapalli.

2. The I Additional District Munsif,
Tiruchirapalli.

+1 CC to M/s.M.ASHOKKUMAR, Advocate (SR-30756[F] dated 30/09/2021)

ORDER DATED : 29/09/2021

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DECREE
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SA(MD) . No.284 of 2021

Nature of Decree:- Dismissing the Second Appeal preferred against the judgment and decree dated 02.11.2020 made in AS No.169 of 2017 on the file of the Second Additional Subordinate Judge, Trichirapalli confirming the judgment and decree dated 20.04.2016 made in O.S.No.1043 of 1997 on the file of the First Additional District Munsif, Trichirapalli and etc., as stated within.

SE (CO)

TR/SKN(30.09.2021) 2P 4C