



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the First day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

SA(MD) . No.345 of 2014

and

CROSS OBJ(MD) No.12 of 2014

SA(MD) No.345 of 2014

R.SAROJINI,
W/O. S.SRINIVASAGAM,
NO.65/7 8TH STREET ,
KARPAGA NAGAR, K.PUDUR,
MADURAI 625 007.

... APPELLANT / RESPONDENT / PLAINTIFF

Vs

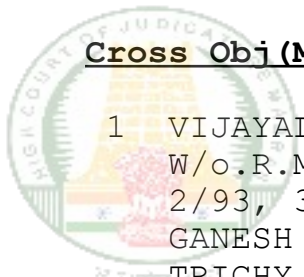
1 VIJAYALAKSHMI
W/o.R.MOHANDOSS,
2/93, 3RD CROSS
GANESH NAGAR, KATTUR POST
TRICHY - 19

2 MEENA GIRI
W/o.GIRIKUMAR
No.20/1/ VI MAIN
BRINDAVAN NAGAR, MATHIKERE
BANGALORE - 560 054

3 MINOR HARSHAVARTHINI
REP BY HER MOTHER AND GUARDIAN, MANJULA
W/O.GANESH KUMAR
NO.14, 7TH SETREET, AMMAN NAGAR
ELLAKUDI VILLAGE, KATTUR, TRICHY

4 T.T.KRISHNAN
S/O. THANGAVEL, AYYAMPATTI, GUNDUR VILLAGE,,
TIRUCHIRAPPALLI-7 ... RESPONDENTS /APPELLANTS / DEFENDANTS

5 JAYARANI
W/O.CHOKKAR
NO.17, EAST STREET
K.SATHANUR, TRICHY ... RESPONDENTS /APPELLANTS / DEFENDANTS



Cross Obj(MD) No.12 of 2014

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2/93, 3RD CROSS
GANESH NAGAR, KATTUR POST
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ELLAKUDI VILLAGE, KATTUR TRICHY

4 T.T.KRISHNAN
S/O. THANGAVEL, AYYAMPATTI, GUNDUR VILLAGE,,
TIRUCHIRAPPALLI-7 ... CROSS OBJECTORS/ RESPONDENTS 1 TO 4/
APPELLANTS / DEFENDANTS

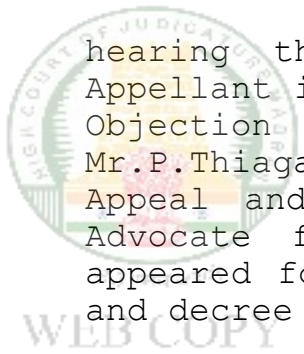
... Vs. ...

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W/O. S.SRINIVASAGAM,
NO.65/7 8TH STREET ,
KARPAGA NAGAR,
K.PUDUR, MADURAI 625 007 .. RESPONDENT / APPELLANT /
RESPONDENT / PLAINTIFF

Prayer in Second Appeal :- Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Principal District Judge, Tiruchirapalli dated 29.11.2013 in A.S. No.22 of 2013, preferred against the judgment and decree of the Principal Subordinate Judge, Tiruchirapalli made in Original Suit No.458 of 2006 dated 29.01.2013.

Prayer in Cross Objection :- Cross Objection filed under Order 41 Rule 22 of the Civil Procedure Code, against the Judgment and of the Principal District Judge, Tiruchirapalli dated 29.11.2013 passed in A.S. No.24 of 2013, preferred against the judgment and decree of the Principal Subordinate Judge, Tiruchirapalli passed in Original Suit No.454 of 2006 dated 29.01.2013.

DECREE:- This Second Appeal and Cross Objection 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 appeal and upon



hearing the arguments of MR.AR.L.SUNDARESAN, Advocate for the Appellant in Second Appeal and Advocate for the Respondent in Cross Objection and of Mrs.N.Krishnaveni, Senior Counsel for Mr.P.Thiagarajan, Advocate for the fourth respondent in Second Appeal and the Advocate for Cross Objectors Mr.A.Pushpanathan, Advocate for the fifth Respondent in Second Appeal, and none appeared for the first to third respondents, this Court doth order and decree as follows:-

(1) That the finding of the First Appellate Court negating the relief only on the ground of Section 17(1) (A) of the Registration Act be and hereby is set aside and the Judgement of the Trial Court is restored and the Second Appeal is allowed and the Cross Objection is dismissed;

(2) That the defendants also deposited some amount and the same may be returned;

(3) That the Plaintiff shall pay the remaining the sale consideration, if not already deposited in Court, within a period of two months from the date of receipt of a copy of this order;

(4) That the defendant be and hereby is directed to execute the sale in favour of the Plaintiff within one month thereon;

(5) That in the event of failure to execute the Sale deed, the Plaintiff is at liberty to get the sale deed through the Court of Law; and

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

DESCRIPTION OF PROPERTY

'A' Schedule as per the will dated 07.05.1964:- Tiruchirappalli District and RDT, Tiruchirappalli, Tiruchirappalli Taluk, Tiruchirappalli, Joint II Sub-District, No.43, Gundur Village, Patta No.236, The Land measuring an extent of Ac.7.83 Cents in S.F. No.360.

'B' Schedule as per the settlement deed dated 20.12.1970:- Tiruchirappalli, Dt and RDT, Tiruchirappalli Taluk, Tiruverumbur Sub Dt., No.43 Gundur Village, Patta No.236, The Land measuring an extent of Ac.2.50 cents of the 5 total extent of Ac.7.83 Cents.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

- 1) The Principal District Judge, Tiruchirapalli
- 2) The Principal Subordinate Judge, Tiruchirapalli.

Copy to:

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

+1 CC to M/s.AL.GANDHI MATHI, Advocate (SR-3001 dated 03/02/2021)

ORDER DATED : 01/02/2021

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DECREE

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SA(MD). No.345 of 2014
and
CROSS OBJ (MD) No.12 of 2014

Nature of Decree:- Allowing the Second Appeal and Dismissing the Cross Objection the preferred against the judgment and decree of the Principal District Judge, Tiruchirapalli in A.S. No.22 of 2013 dated 29.11.2013 preferred against the judgment and decree of the Principal Subordinate Judge, Tiruchirapalli in O.S. No.458 of 2006 dated 29.01.2013 etc., as stated within.

VB (02.03.2021) 4P 6C