



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

**Thursday, the Nineteenth day of August Two Thousand Twenty One
PRESENT**

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

SA(MD) No.467 of 2014

&

SA(MD) No.468 of 2014

SA(MD) No.467 of 2014

1.BALASUBRAMANIAN,
2.DURAIRAJAN (Died) ... 1st & 2nd Appellants / 4th &
5th Respondents / 4th & 5th Defendants
3.Dr.D.Babu @ D.Shakthibabu
(3rd Appellant is impleaded vide
order dt.19.08.2021) ... 3rd Appellant

Vs

1.NAGALINGAM ... 1st Respondent/Appellant/Plaintiff
2.RAMANI
3.POORNAM ... 2nd & 3rd Respondents / 2nd & 3rd
Respondents / 2nd & 3rd Defendants
4.REVATHI
5.SATHYA
6.MINOR KAVITHA
7.MINOR ARIVAZHAGAN,
(MINORS 6 & 7th Respondents
are rep by their mother and ... 4th to 7th Respondents / 6th to
guardian 4th respondent) 9th Respondents / 6th to 9th
Defendants

SA(MD) . No.468 of 2014

1.BALASUBRAMANIAN,
2. DURAIRAJAN (Died) ... 1st & 2nd Appellants / 4th & 5th
Respondents in Cross Appeal / 4th
& 5th Defendants

3.Dr.D.Babu @ D.Shakthibabu
(3rd Appellant is impleaded
vide order dt.19.08.21) ... 3rd Appellant

Vs

1.REVATHI
2.SATHYA
3.MINOR KAVITHA
4.MINOR ARIVAZHAGAN
(Minor R3 & R4 are represented
by their mother / guardian ... 1st to 4th Respondents
of the 1st respondent) /Cross Objectors/LRs of the 1st
Defendant



5.NAGALINGAM
6.RAMANI
7.POORNAM

... 6th & 7th Respondents / 2nd & 3rd
Respondents in Cross Appeal / 2nd
Defendants & 3rd Defendants

Common Prayer:-

Second Appeals are filed under Section 100 of C.P.C., against the judgment and decree passed in A.S. No.30 of 2009 on the file of the III Additional District Judge at Thanjavur (in-charge), Pattukottai, dated 13.12.2012 modifying the Judgment and Decree passed in O.S. No.206 of 1993 on the file of the Subordinate Judge, Pattukottai dated 13.03.2007.

DECREE:-

These Second Appeals are 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.M.P.SENTHIL, Advocate for the Appellants in both Second Appeal and and of MR.P.SESUBALAN RAJA, Advocate for first respondent in S.A.(MD) No.467 of 2014 and Advocate for fifth respondents and Mr.A.SENTHILKUMAR, Advocate for the second and third respondents in SA(MD) No.467 of 2014 and Advocate for sixth and seventh respondents in SA(MD) No.468 of 2014, this Court doth order and decree as follows:-

(1) That the Second Appeals preferred against the Judgment and Decree A.S. No.30 of 2009 on the file of the III Additional District Judge at Thanjavur (in-charge), Pattukottai, dated 13.12.2012 modifying the Judgment and Decree passed in O.S. No.206 of 1993 on the file of the Subordinate Judge, Pattukottai dated 13.03.2007 be and are hereby dismissed.

(2) That the appellants subsequent purchasers claim allotments of shares on the basis of equities is to be dealt with by the Court while passing final decree; and

(3) That there be no costs in these Appeals.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1) The III Additional District Judge,
Thanjavur (In-charge)
Pattukottai.

2) The Subordinate Judge, Pattukottai

Copy to:

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

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-26823 dated 19/08/2021)

ORDER DATED : 19/08/2021

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D E C R E E

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SA(MD) . No.467 of 2014

&

SA(MD) . No.468 of 2014

Nature of Decree:- Dismissing the Second Appeals preferred against the Judgment and decree dated 13.12.2012 passed in A.S. No.30 of 2009 on the file Learned the III Additional District Judge at Thanjavur (In-charge), Pattukottai modifying the Judgment and Decree passed in O.S. No.206 of 1993 on the file of the Subordinate Judge, Pattukottai dated 13.03.2007 and etc., as stated within.

KMK (CO)
GC (07.12.2021) 3P 6C