



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

**Monday, the First day of March Two Thousand and Twenty One
PRESENT**

**The Hon`ble Mrs. Justice T.KRISHNAVALLI
CMA(MD). No.534 of 2016**

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L.MUTHUSUBRAMANIAN, ... APPELLANT/6TH RESPONDENT/6TH DEFENDANT

VS

PADMAVATHI (DIED)

1. J. PALRAJ

2 J.CHANDRASEKAR,

3 J.SOMASEKAR

4 J.DEVIDASAN

5 G.SAROJA,

6 R.JAYANTHIMALA

7 N.JEYASHAKUNTHALA,

8 A.BANUMATHI ...R1 TO R8/R1 TO R8/PLAINTIFFS 2 TO 9

A.B.M.RAMANATHAN CHETTIAR (DIED)

SANJIVI CHETTIAR (DIED)

9 T.S.SRINIVASAN

10 KAMALAVALLI THAYAR,

11 RAJESWARI ...R9 TO R11/R3 TO R5/D3 TO D5

LATHA @ MEENAKSHISUNDARESWARI (DIED)

12 SAIKALA

13 CHITRA,

14 SRINIVASAN

15 MANI ...R12 TO R15/R8 TO R11/DEFENDANTS 8 TO 11

INDRAVATHI (DIED)



16 CHANDRA

17 ANDALDEVI

18 SUDHANDRA ...R16 TO R18/R13 TO R15/DEFENDANTS 13 TO 15

RAMANATHAN MUDALIAR (DIED)

19 PATTABI CHETTIAR

20 T.G.SRINIVASAN,

21 THIRUVARUL FINANCE CORPN.,
REP BY MANAGER, ASHOK KUMAR, DOING BUSINESS,
AT 631, JAWAHAR BAZAAR. KARUR TOWN.

22 RADHAKRISHNAN,

23 V.PARTHASARATHY

24 RAJAGOPALAN

25 MUTHUKARUPPA PILLAI ...R19 TO R25/R17 TO R23/
DEFENDANTS 17 TO 23
RAMAYYAR (DIED)

26 DWARAKANATHAN

27 SRINIVASAN ...R26 AND R27/R25 AND R26/D25 AND D26
RAGAVENDRAN (DIED)

28 RAMADOSS ...R28/28/DEFENDANT NO.28

CHANDRASEKARAN (DIED)

29 MUTHUKRISHNA VATHIAR

30 KANNAN

31 INDIAN POST AND TELEGRAPH
DEPARTMENT REP BY POST MASTER, KARUR, NO.90,,
RANI MANGAMMAL ST., KARUR TOWN..

32 ALAMELU AMMAL ... R29 TO R32/R30 TOR33/
DEFENDANTS 30 TO33
VIITALA (DIED),

R. SIVABACKIYAM (DIED) .



33 MALA

34 LAKSHMI

35 RAJAGOPAL

36 SIVAKUMAR

37 RAMESH

38 RENGANATHAN

39 USHA RANI,

40 VENKATRAMAN

41 SAI KIRUTHIKA

...R33 TO 41/ R36 TO R44/
DEFENDANTS 36 TO 44

(As Respondents 19 to 37 are tenants in the suit properties they are not necessary parties. Hence, notices to them may be given up).

Prayer:-

Civil Miscellaneous Appeal filed under Order XLIII Rule 1U of the Civil Procedure Code against the judgment and decree, dated 14/03/2016 passed in A.S. No.29 of 2009 by the Principal District Court, Karur, confirming the judgment and decree, dated 26/02/2009 passed in O.S. No.321 of 1991 by the Subordinate Court, Karur.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR. K. MANIKANDAN, Advocate for the Appellant and of MR. K. GOVINDARAJAN, Advocate for the 1 to 4 respondents, MR. S. Jeya Singh for 31st Respondent, No appearance for RR5,6,7,9,11,14,15,17 AND RR40, this Court doth order and decree as follows:-

1. this Civil Miscellaneous Appeal be and hereby is allowed, by setting aside the judgment and decree, dated 14/03/2016 passed by the Principal District Court, Karur District, made in A.S.No.29/2009;

2. that the matter be and hereby is remitted back to the first appellate court and the first appellate court namely the Principal District Court, Karur, is directed to dispose of A.S.No.29/2009 in O.S. No.321/1991 afresh purely on merits after perusing the entire materials available on records and in accordance with law within a period of four weeks from the date of receipt of a copy of this



order;and

3. that there be no order as to cost in this Civil Miscellaneous Appeal.

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Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge, Karur District.
2. The Sub Judge, Karur District.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai - 23. (2 Copies)

- +1 CC to M/s.JEYASINGH, Advocate (SR-7931 dated 01/03/2021)
- +1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-8242 dated 02/03/2021)
- +1 CC to M/s.K.MANIKANDAN, Advocate (SR-8561 dated 03/03/2021)

ORDER DATED : 01/03/2021

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DECREE

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CMA(MD) .No.534 OF 2016

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree, dated 14/03/2016 passed in A.S. No.29 of 2009 by the Principal District Court, Karur, confirming the judgment and decree, dated 26/02/2009 passed in O.S. No.321 of 1991 by the Subordinate Court, Karur.

SSS(CO)

TR(29.04.2021) 4P 8C