



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

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice **A.A.NAKKIRAN**

SA(MD) . No.163 of 2015

1. P.Munisami @ Munian, (Died)
2. Nagammal
3. Pappa
4. Mohan
5. Ramesh
6. Sutharsan
7. Annalakshmi.

...Appellants/Respondents 1 and 2 cum Cross Objectors /
Plaintiffs and LRS of the 1st Plaintiff

(Appellants 3 to 7 brought on record as LRs of the deceased
1st Appellant)

Vs

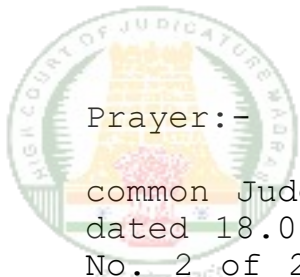
- 1 Theradiyan (Died)
2. S.Palaniammal
3. K.Saroja
4. C.Rani
- A.KRISHNAN (Died).
5. A.Kodi Arasan

6. Pavun ...Respondents 2 to 6/Respondents 3 to 5,7 and 8/
Respondents 2 to 4 and 6 /Defendants 2 to 4, 6
and Lrs of the 5th Defendant.

7. T.Mani
8. Durairaj
9. Muniammal
- 10.VimalaDevi
- 11.Selvamani
- 12.Selvamathy
- 13.Sundari
- 14.Sundaram
- 15.Sumathi

...Respondents/.../.../LRs of the 1st defendant.

(Respondents 7 to 15, brought on record as Lrs of deceased 1st
Respondent)



Prayer:-

Appeal filed under Section 100 of C.P.C., against the common Judgment and Decree of the Additional Sub Court, Dindigul, dated 18.09.2013 made in Appeal Suit No.2 of 2004 and Cross Appeal No. 2 of 2004 partly reversing and confirming the Judgment and Decree of the Court of the II Additional District Munsif Court, Dindigul made in Original Suit No. 309 of 2002 dated 24.04.2003.

DECREE:-

This Second Appeal coming on for hearing on Saturday, the Seventeenth day of April, Two Thousand and Twenty one, upon perusing the Grounds of Appeal, the Judgment and decree 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.H.LAKSHMI SHANKAR, Advocate for the Appellants and of Mr.M.V.VENKATASESHAN FOR R7 TO R15, and Respondents 2 to 5 not appeared in person or by an Advocate, and having stood over for consideration till this date, this Court **while allowing the Appeal**, doth order and decree as follows:-

(1) That the entire impugned Judgment and Decree of the 1st Appellate Court Viz., the Additional Sub Court, Dindigul, dated 18.09.2013 made in Appeal Suit No.2 of 2004 and the impugned Judgment and Decree of the trial Court viz., the II Additional District Munsif Court, Dindigul made in Original Suit No. 309 of 2002 dated 24.04.2003 dismissing the suit with regard to the partition and separate possession of the B - Schedule property and C - Schedule property be and hereby are set aside;

(2) that, the the impugned Judgment and Decree of the Trial Court viz., the II Additional District Munsif Court, Dindigul made in Original Suit No. 309 of 2002 dated 24.04.2003, decreeing the suit in respect of the A- Schedule property is confirmed,

(3) that, the Original Suit No. 309 of 2002 on the file of II Additional District Munsif Court, Dindigul be and hereby decreed in its entirety, as prayed for, and

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

SCHEDULE OF PROPERTY VIDE SEPARATE SHEET

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TO

1. The Additional Sub Judge, Dindigul,
2. The II Additional District Munsif, Dindigul

Copy to:

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

+ 1 CC to Mr. M.V.Venkataseshan, Advocate (SR.24836)

+ 1 CC to Mr. H. Lakshmi Shankar, Advocate (SR.24646)

ORDER DATED : 30/07/2021

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DECREE

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SA(MD). No.163 of 2015

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the Additional Sub Court, Dindigul, dated 18.09.2013 made in Appeal Suit No.2 of 2004 Cross Appeal No.2 of 2004 partly allowing the Judgment and Decree of the Court of the II Additional District Munsif Court, Dindigul made in Original Suit No. 309 of 2002 dated 24.04.2003 and etc., as stated within.

RK(08/03/2022) 3P 7C