



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(CIVIL APPELLATE JURISDICTION)

THURSDAY, THE EIGHTH DAY OF JULY TWO THOUSAND TWENTY ONE

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE A.A.NAKKIRAN

SA(MD) . NO.664 OF 2016

1. SMT.GOTHAIAMMAL,
2. JEYALAKSHMI (DIED)
3. P.SAMUTHIRAM
4. (*) S.MURALI KRISHNAN

5. KIRUTHIGA ... Appellants / Respondents 1 & 2/
Plaintiffs

(Appellants 3 to 5 are brought as
LRs of deceased 2nd Appellant vide
Court order dt.03.07.2019)

Vs

- 1 SMT.DHANALAKSHMI,
- 2 GURUSAMY,
- 3 MAHESWARAN, ... Respondents 1 to 3 / Appellants /
Defendants 1, 2 & 6
- 4 SMT.LATHA,
- 5 SMT.SUGUNA,
- 6 SMT.S.JOTHI

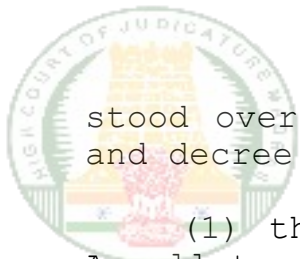
7 SUNDARESWARAN (DIED) ... 4th to 7th Respondents / 3rd to 7th
Respondents / 3rd to 5, 7 &
8th Defendants

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 18.02.2016 passed in A.S. No.23 of 2010 by the Principal District Court, Virudhunagar at Srivilliputhur, reversing the Judgement and Decree dated 05.07.2010, passed in O.S. No.113 of 2006 by the Subordinate Judge, Srivilliputhur.

DECREE:-

This Second Appeal coming on for hearing on Friday, the Thirteenth day of April Two thousand and twenty one, 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.S.MANIKANDAN, Advocate for the Appellant and of Mr.S.RAMESH for V.RAGHAVACHARI, Advocate for first to sixth respondent Mr. N. VALLINAYAGAM, Advocate for the seventh respondent, and having



stood over for consideration till this date, this Court do hereby
and decree as follows:-

(1) that the impugned judgment and decree passed by the First Appellate Court be and hereby is set aside and the Judgment and Decree of the Subordinate Judge, Srivilliputhur made in O.S. No.113 of 2006 dated 05.07.2010 be and hereby restored and the Second Appeal is allowed; and

(2) that there be no costs in this Appeal.

Sd/-

Assistant Registrar (CO)

(*)Corrected as per letter

dated:18.02.2022 of Counsel for Appellant

Sd/-

Assistant Registrar(CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

To

**(*)To be Substituted the order already despatched
on 22.07.2021**

1)The Principal District Judge,
Virudhunagar at Srivilliputhur

2)The Subordinate Judge,
Srivilliputhur.

Copy to:

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

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-21631 dt.08/07/2021)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-21781 dated 08/07/2021)

+1 CC to M/s.N.VALLINAYAGAM, Advocate (SR-21901 dated 09/07/2021)



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SA(MD)



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ORDER DATED : 08/07/2021
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DECREE

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SA(MD). No.664 of 2016

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree dated 18.02.2016 passed in A.S. No.23 of 2010 by the Principal District Court, Virudhunagar at Srivilliputhur, reversing the Judgement and Decree dated 05.07.2010, passed in O.S. No.113 of 2006 by the Subordinate Judge, Srivilliputhur etc., as stated within.

KMK (CO)

TR (19.07.2021) 3P 8C

GC (04.07.2022) 3P 8C