



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

S.A.No.1085 of 2010
and
M.P.Nos.1 and 2 of 2010

1. M.R.Thandavan (Died)	... Appellant/Defendant
2. P.Parvathi	
3. T.Ranganayaki	
4. T.Parimala	
5. T.Vasuki	... Appellants

[Appellants 2 to 5, brought on record as LR's of the deceased sole appellant viz., M.R.Thandavan, vide court order dated 15.11.2011, made in MP No.1/2012 in SA No.1085/2010]

Vs.

M.K.Thiruvengkatachalam (Died)	... Plaintiff
1. Muthulakshmi	
2. Giriprasad	
3. Gokularani	
4. Kamalakannan	... Respondents/ LR's of sole plaintiff

Prayer:- This Memorandum of Second Appeal is filed under Section 100 of Code of Civil Procedure, against the Judgment and decree dated 21.07.2010 made in A.S.No.59 of 2009, on the file of the learned Subordinate Judge, Gobichettipalayam, confirming the judgment and decree dated 31.08.2009 made in O.S.No.347 of 2005 on the file of the learned District Munsif, Gobichettipalayam.

Decree : This Second Appeal coming on for hearing on Monday, 31.03.2022, 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 case and upon hearing the arguments of Mr.R.T.Doraisamy, Counsel for the Appellants and Ms.J.Prithivi for Mr.S.Kaithamalai Kumaran, Counsel for the Respondents and having stood over for consideration till this day, this Court while allowing the Second Appeal, doth order and decree as follows:



i) that the judgment and Decrees of the Courts below be and hereby are set aside;

ii) that there be no costs in the above Second Appeal.

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Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Gobichettipalayam.

2. The District Munsif,
Gobichettipalayam

Copy To

The Section Officer,
VR Section,
High Court, Madras - 104. (2 Copies)

+1cc to Mr.R.T.Doraisamy, Advocate SR.No.21163

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.No.21164

DATED : 30.03.2022

DECREE :

S.A.No.1085 of 2010

Allowing the Second against the judgment and decree dated 21.07.2010 made in A.S.No.59 of 2009, on the file of the learned Subordinate Judge, Gobichettipalayam, confirming the judgment and decree dated 31.08.2009 made in O.S.No.347 of 2005 on the file of the learned District Munsif, Gobichettipalayam, as stated within.

SSV(CO)
GMY(06/05/2022)