



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE NINTH DAY OF MARCH
TWO THOUSAND TWENTY TOW

PRESENT

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

Second Appeal No.140 of 2014

M.S.Habeeb Rahman ...Appellant/Appellant/ Plaintiff

.Vs.

1.A/M.Panjavadiswara Swamy Devasthanam
Anathandapuram
By its Trustee
Jagadeesa Gurukkal
Anathandavapuram, Mayiladuthurai Taluk
Nagapattinam District.

2.Mohameed Yusuf

3.Syed ... Respondents/Respondents/Defendants

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.8 of 2013 dated 24.09.2013 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai in confirming the judgment and decree passed in O.S.No.81 of 2008 dated 04/12/2012 on the file of the Court of Principal District Munsif, Mayiladuthurai.

DECREE:

This Second Appeal coming on for hearing on this day upon perusing the Judgment and Decrees of the lower Appellant court and the Court of first instance and material records available in this case and upon hearing the arguments of Mr.A.Muthukumar Advocate for the appellant and of Mrs.J.T.Ajitha advocate for respondent 2 & 3 and steps not having been taken to serve notice to the first respondent and this Court while allowing this appeal in part and in partial modification of the decree of the Courts below, doth order and decree as follows.

1. that the decree of the courts below insofar as they relates to the properties more fully described in schedule "A" in the decree of the courts below do stand confirmed;



2.that the 1st Respondent/1st Defendant be and hereby is directed to proceed against the appellant/Plaintiff for an order of eviction before the Competent Court.

3.That the decree passed by the Court below is sofar as relates to the property more fully described in schedule "B" in the decree of the court below shall be in force till the 1st respondent/1st Defendant obtains an order in pursuance of the clause (ii) above;

4.that there be no order as to costs in this Appeal.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Principal Subordinate Judge, Mayiladuthurai

2.The Principal District Munsif, Mayiladuthurai.

3.Copy to:- The Section Officer
V.R.Section, High Court, Madras.

+1cc to Mr.A.Muthukumar, Advocate, S.R.No.16128

Second Appeal No.140 of 2014

DATED : 09/03/2022

Allowing the Second Appeal in part filed under Section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.8 of 2013 dated 24.09.2013 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai in confirming the judgment and decree passed in O.S.No.81 of 2008 dated 04/12/2012 on the file of the Court of Principal District Munsif, Mayiladuthurai, etc., as stated within.

RGN(CO)

CT 10/06/2022