



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

Monday the Eleventh day of April Two Thousand Twenty Two
PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S (MD) No.98 of 2006

1.N.Sekar
2.R.Rani
3.K.Malliga

... Appellants/Defendants 3 to 5

vs.

1.Rajeswari
2.N.Indirani
3.R.Shanthi
4.N.Kumar
5.N.Senthilkumar
6.N.Saravanan
7.Lalitha (Died)
8.T.Kavery
9.T.Madhavan
10.T.Sasikumar
11.T.Sakila
12.J.Maharani
13.J.Prabakaran
14.J.Kopinathan
15.J.Sugumar
16.J.Sintha (Minor)

... 1st Respondent/Plaintiff

(Represented by her natural guardian and mother maharani)

17.S.Rajendran
18.S.Devadass
19.M.I.Mohammed Sarook
20.M.I.Mohammed Niyas
(Respondents 19 and 20 impleaded vide order
dated 15.06.2016 in M.P.1&2/15)

21.Sekar
22.Ravi
23.Kamal
24.Senthil
25.Murali
26.Gopi

... Respondents

(Respondents 21 to 26 are brought on record as LR's of the deceased
7th respondent vide order dated 10.03.2022 in CMP(MD)No.1564 of
2022)



Appeal filed under Section 96 of the Civil Procedure Code, against the decree and judgment passed in O.S.No.13 of 2004 dated 30.09.2005 on the file of Additional District Court/Fast Track Court No.II, Pattukkottai.

DECREE: This Appeal Suit is coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decree of the trial Court and the material papers in the suit and upon hearing the arguments of Mr.P.Thirumahilmaran, Advocate for the Appellants, Mr.K.Ramanathan, Advocate for the 1st respondent, Mr.H.Arumugam, Advocate for the Respondents NO.2 to 5, Mr.S.Deenadhayalan, Advocate for the Respondents NO.12,14 to 16, Mr.A.Arumugam, Advocate for R19&20, Mr.A.Rishab, Advocate for the Respondents No.21 to 26 and none appeared for 6th respondent either in person or through counsel, while partly allowing the Appeal Suit, this Court doth order and decree as follows:

- i.that the Appeal is partly allowed and the judgment and decree passed in O.S.No.13 of 2004 dated 30.09.2005 on the file of Additional District Court/Fast Track Court No.II, Pattukkottai are modified.
- ii.that the Plaintiff is declared entitled to 1/7th share in the suit properties.
- iii.that the defendants 3 to 5 would each be entitled to 1/42 share.
- iv.that the defendants 7 to 10 would each be entitled to 1/56 share.
- v.that the plaintiff would be at liberty to seek a final decree as well as mense profit under Order 20 Rule 12 of CPC.
- vi.that the second plaintiff is not entitled to any right over the suit properties.
- vii.that in other respects, the decree of the trial court is confirmed.
- viii.that the parties are directed to bear their own costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Encl : Copy of Schedule of Properties

<https://hcservices.ecourts.gov.in/hcservices/>



TO

The Additional District Judge,
Fast Track Court No.II,
Pattukkottai.

Copy to

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

+2 ccs to M/s.K.Ramanathan,Advoc, SR18779
+1 cc to M/s.H.Arumugam,Advoc, SR18753
+1 cc to M/s.S.Deenadhayalan,Advoc, SR18711
+1 cc to M/s.Ajmal Associates,Advoc, SR18167
+1 cc to M/s.P.Thirumahilmaran,Advoc, SR17781

DATED : 11.04.2022

DECREE

AS(MD) . No.98 of 2006

Nature of Decree:- partly allowing the Appeal suit preferred against the decree and judgment passed in O.S.No.13 of 2004 dated 30.09.2005 on the file of Additional District Court/Fast Track Court No.II, Pattukkottai., etc., as stated therein.

USK/06.06.2022/3P/10C