



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

**Wednesday, the Thirteenth day of April Two Thousand Twenty Two  
PRESENT**

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

**SA(MD) . No.11 of 2010**

WEB COPY

1. Natarajan (DIED)
2. Rajappa
3. Sairam ...Appellants/Respondents/Defendants
4. N.Kannan,
5. N.Panneerselvam,
6. N.Mahalakshmi,
7. N.Mankayarkarasi,
- 8.Esther, W/o. Late Natarajan
9. Renuhadevi, D/o. Late Natarajan
- 10.Praveen, S/o. Late Natarajan

Appellants 4 to 10 are SUO MOTO impleaded as Lrs of the Deceased 1<sup>st</sup> Appellant vide Court order dated 21.03.2022 made in sa(md)No.11/2010

Vs

- 1 PERIYASWAMY (DIED)
- 2 NAVALLI
- 3 MARAGATHAVALLI ...Respondents/Appellants/Lrs of Plaintiff
- 4 VANITHA,
- 5 SATHISH,
- 6 AMUTHA,

Respondents 4 to 6 are brought on record as Lrs of the Deceased Ist respondent vide Court order dated 14.03.2022 in CMP(MD) 8673 and 8674 of 2017 in SA(MD) 11/2010.

Prayer :-

This Second Appeal filed under Section 100 of C.P.C., preferred against the Judgment and Decree passed in A.S.No.188 of 2007 dated 31.03.2009, on the file of the Principal  
<https://hcservices.ecourts.gov.in/hcservices/>



District Court, Tiruchirappalli, reversing the Judgment and Decree passed in O.S.No.377 of 1995 dated 30.08.2006, on the file of the Ist Additional District Munsif Court, Tiruchirappalli.

Decree:-

This Second Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal and the Judgment and Decrees of the Lower Appellate Court and the Court of Instance and upon hearing the arguments of Mr.M.Saravanan, Advocate for the Appellant and Mr.S.Kadarkarai, Advocate, for RR2 AND 3 Respondents, Mr.Raguvaran Gopalan, Advocate, for RR 4 to 6 Respondents and this Court doth order and decree as follows:

i) That, the Judgment decree passed in A.S.No.188 of 2007 dated 31.03.2009, on the file of the Principal District Court, Tiruchirtappalli, reversing the Judgment and Decree passed in O.S.No.377 of 1995 dated 30.08.2006, on the file of the Ist Additional District Munsif Court, Tiruchirappalli, be and hereby confirmed and the Second Appeal is dismissed;

ii)that the adverse findings against the appellants herein/ rendered by the first appellate Court be and hereby are vacated;

iii)that the effect of vacating such adverse finding shall not mean that the appellants have proved their title in these proceedings. In other words, neither the legal heirs of the plaintiff not the defendants can take advantage of the outcome of these proceedings. when it comes to the issue of the title, the same will have to established when the appellant herein file the suit for recovery of possession in respect of the suit property; and

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Principal District Judge, Tiruchirappalli,

2.The Ist Additional District Munsif, Tiruchirappalli.



Copy to:

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

+1 CC to M/s.M. SARAVANAN, Advocate ( SR-18899 dated 18/04/2022 )

+1 CC to M/s.K.. PRABHAKAR, Advocate ( SR-19464 dated 19/04/2022 )

ORDER DATED: 13/04/2022

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DECREE

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Nature of Decree:

SA(MD). No.11 of 2010 Dismissing the SA(MD) No.11 of 2010, preferred against judgment and decree passed in A.S.No.188 of 2007 dated 31.03.2009, on the file of the Principal District Court, Tiruchirappalli, reversing the Judgment and Decree passed in O.S.No.377 of 1995 dated 30.08.2006, on the file of the Ist Additional District Munsif Court, Tiruchirappalli. etc. as stated within.

RD(28.04.2022) 3P 7C