



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

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

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

SA(MD) . No.137 of 2010

- 1 RATHINATHAMMAL (DIED)
- 2 PAPAMMAL (DIED)
- 3 SUYAM PRAKASAM ...Appellants/Appellants/Plaintiff
- C.NITHYANANTHAM(DIED)
- C.SATHANANTHAM(DIED)
- 4 R.MANGAIYARKARASI,
- 5 RATHINAKUMAR,
- 6 RAJESWARI,
- 7 SARASWATHI,
- 8 S.RAJASEKAR,
- 9 S.CHINNARAJA,

Appellants 4 to 9 are SUO MOTO Impleaded LRS of the deceased 1st Appellants vide Court order dated 04/04/2022 made in SA(MD) No.137 of 2010.

T.SAKUNTHALA (DIED)

10 M.MURUGANANTHAM,

11 M.ANANTHARAMAN,

12 M.AMIRTHAVALLI,

13 B.DHARUMAMBAL,

14 M.MOHAN,



15 T.ANBU VELAN,

16 T.ANBU GANESAN,

17 T.ANBUMANI,

18 J.RANI @ J.VIJAYAKUMARI,

19.C.SANTHI,

... Petitioners

Appellants 10 to 19 are SUO MOTO Impleaded LRS of the deceased 2ND Appellants vide Court order dated 04/04/2022 made in SA(MD) No.137 of 2010.

Vs

SEKAR

... Respondent/Respondent/Defendant

Prayer :-

This Second Appeal filed under section 100 of the code of Civil Procedure, to against the Judgment and Decree in A.S.No.17 of 2005 dated 07.09.2006 on the file of the Principal Sub Court, Thanjavur, confirming the Judgment and Decree in O.S. No. 198 of 2004 dated 16.11.2004 on the file of the District Munsif Court, Thiruvaiyaru,

ORDER:-

This Second Appeal coming on for hearing on this day, upon perusing the Grounds of the Appeal, the Judgment and Decree 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.V.K.Vijayaragavan for Mr.M.R.S.Prabhu, Advocate for the Appellants and of Mrs.N.Krishnaveni, Senior Counsel for Mr.P.Thiagarajan, Advocate, for the respondents and for this Court doth order and decree as follows:

i) That the Judgment and Decree passed in A.S. No.17 of 2005 dated 07.09.2006 on the file of the Principal Sub Court, Thanjavur, confirming the Judgment and Decree in O.S. No. 198 of 2004 dated 16.11.2004 on the file of the District Munsif Court, Thiruvaiyaru, be and hereby is confirmed and the Second Appeal is dismissed;

ii) That the respondent however through the learned senior Counsel undertakes to deposit for a sum of Rs.10,00,000/- (Rupees 10 lakhs) to the credit of OS No.198 of 2004 on the file of the District Munsif Court, Thiruvaiyaru; Three months time is given to make such deposit.



iii)that the amount will remain in Court deposit for a period of nine months, thereafter, it is open to the Appellants herein to join together and withdraw the entire amount towards full and final settlement so that the matter is give a quietus;

iv)that if even one among the Appellants is not willing to join, withdrawal will not be allowed. If within the period mentioned above, the Appellants fail to withdraw the amount, it is open to the respondent herein to take it back;

v)That there be no cost in this Second Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

08/06/2022

Sub Assistant Registrar(CS)

TO

1.The Principal Sub Judge, Thanjavur.

2.The District Munsif Court, Thiruvaiyaru.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.V.K. VIJAYARAGAVAN, Advocate(SR-21414 dated 26/04/2022)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-20967 dated 25/04/2022)

ORDER DATED: 25/04/2022

=====

DECREE

=====

SA(MD). No.137 of 2010

NATURE OF THE DECREE: Dismissing the SA(MD). No.137 of 2010 preferred against judgment and decree in A.S.No.17 of 2005 dated 07.09.2006 on the file of the Principal Sub Court, Thanjavur, confirming the Judgment and Decree in O.S. No. 198 of 2004 dated 16.11.2004 on the file of the District Munsif Court, Thiruvaiyaru, etc. as stated within.

RK(08/06/2022) 3P 7C

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