



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

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

SA(MD). No.142 of 2010

NARAYANAKUMAR ... Appellant/2nd Appellant/2nd Defendant

Vs

1. CHINNADURAI (DIED)

2. SANTHAKUMARI

3. MAGESWARI @ BHAGAVATHI,

4. VANITHA

5. MAYILVAHANAN

6. MINOR. VENKATESH ... Respondents
(R6 Minor Rep. through his mother and natural guardian 2nd respondent)

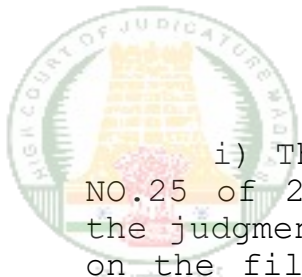
(RESPONDENTS 2 TO 6 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED SOLE RESPONDENT VIDE ORDER DATED 11/02/2022 MADE IN CMP (MD) nO.5740 OF 2020)

Prayer :-

Second Appeal filed under section 100 of the Civil Procedure Code, against the judgment and decree dated 20/10/2009 passed in AS. NO.25 of 2004 on the file of the Sub Court, Tuticorin, confirming the judgment and decree dated 21/01/2004 passed in OS. NO.66 of 2002 on the file of the Additional District Munsif Court, Thiruchendur.

Decree:-

This Second Appeal came up for hearing on this day, upon perusing the grounds of 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. T.K. Gopalan for Mr. PT.S. Narendravasan, advocate for the appellant and of Mr. G. Prabhu Rajadurai, advocate for the 2 to 6 respondents, this court doth order and decree as follows:-



i) That the judgment and decree dated 20/10/2009 passed in AS. NO.25 of 2004 on the file of the Sub Court, Tuticorin, confirming the judgment and decree dated 21/01/2004 passed in OS. NO.66 of 2002 on the file of the Additional District Munsif Court, Thiruchendur, the impugned judgment and decree be and hereby are set aside insofar as the grant of relief of declaration, and this Second Appeal is allowed.

ii) That there be no costs in the Second Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1. The Subordinate Judge,
Tuticorin.
2. The Additional District Munsif,
Thiruchendur

Copy to:

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

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-22577 dated 29/04/2022)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-23150 dated 02/05/2022)



WEB COPY

SA(MD). No.142 of 2010

ORDER DATED : 29/04/2022

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DECREE
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SA(MD). No.142 of 2010

Allowing the SA(MD) NO.142 of 2010 preferred against the judgment and decree passed in AS. NO.25 of 2004 on the file of the Sub Court, Tuticorin, confirming the judgment and decree dated 21/01/2004 passed in OS. NO.66 of 2002 on the file of the Additional District Munsif Court, Thiruchendur etc., as stated within.

na (CO)
TR(08.06.2022) 3P 7C