



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

Friday, the Eighteenth day of March Two Thousand Twenty Two

WEB COPY

PRESENT

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

SA(MD) . No.302 of 2010

G.R.VIJAYARAMAN .. Appellant/Appellant/Ist Defendant

Vs

1 G.R.SAANTHARAM .. 1st Respondent/1st Respondent/
1st Plaintiff

2 G.R.SUBBURAMAN .. 2nd Respondent/2nd Respondent/
2nd Defendant

(Notice may be dispensed on 2nd Respondent
as he is ex-parte in 1st Appellate Court)

Prayer :-

This Second Appeal is filed under Section 100 of C.P.C ,
praying this Court, to set aside the judgment and decree passed in
A.S.No.56 of 2009 on the file of the Additional Sub Court,
Tirunelveli dated 27.11.2009 confirming the Judgment and Decree in
O.S.No.295 of 2005 on the file of the Principal Distrct Munsif
Court Tirunelveli dated 12.10.2007

DECREE:-

This Second Appeal coming on for hearing on this date,
upon perusing the grounds of Appeal, the judgments and decrees 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.R.T.Arivukumar for Mr.N.Retnasamy, Advocate for the Appellant and
of Mr.D.Srinivasa Raghavan for Mr.S.P.Maharajan, Advocate for the
first respondent, this Court while taking on record the affidavit
of apology filed herein by the appellant, allowing the second appeal
in part by modifying the judgment and decree passed by the courts
below and doth order and decree as follows:-

(1) That the judgments and decrees of the Courts below be
and are hereby modified to the extent that the protection
against demolition be and is hereby given in respect of the
staircase portion alone,



(2) That there be no costs in this Second Appeal.

SCHEDULE OF PROPERTY
Vide in Seperate

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1. The Additional Subordinate Judge, Tirunelveli

2. The Principal District Munsif, Tirunelveli

Copy to:

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

+1 CC to M/s.N.RETNASAMY, Advocate (SR-13109 dated 21/03/2022)
+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-13150 dated 21/03/2022)

ORDER DATED : 18/03/2022

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DECREE + JUDGEMENT

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SA(MD). No.302 of 2010

Allowing in Part the SA(MD).
No.302 of 2010, preferred
against judgment and decree passed
in A.S.No.56 of 2009 on the file
of the Additional Sub Court,
Tirunelveli dated 27.11.2009
confirming the Judgment and
Decree in O.S.No.295 of 2005 on
the file of the Principal
District Munsif Court
Tirunelveli dated 12.10.2007 etc.
as stated within.

RK(13/04/2022) 2P 7C