



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

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

SA(MD) . No.369 of 2010

1. P.A.Kumarasamy Raja

2. Raju ... Appellants/Appellants/Defendants

Vs

1. Maniraja (Died)

2. Krishnakumari ... Respondents/Respondents/Plaintiffs

Prayer:-

Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Subordinate Court, Srivilliputhur, dated 27.11.2006 made in Appeal Suit No.52 of 2005, confirming the judgment and decree of the court of the Principal District Munsif, Srivilliputhur made in Original Suit No. 277 of 2004 dated 30.03.2005.

DECREE:-

This Second Appeal coming on for hearing on this day, 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 Mrs.LAKSHMI GOPINATHAN, Advocate for the Appellants and of Mr.V.PANNEERSELVAM, Advocate for the 2nd Respondent, this Court while allowing the Second Appeal, doth order and decree as follows:-

(1) That the Judgment and Decree of the the Subordinate Court, Srivilliputhur, dated 27.11.2006 made in Appeal Suit No.52 of 2005, confirming the judgment and decree of the court of the Principal District Munsif, Srivilliputhur made in Original Suit No. 277 of 2004 dated 30.03.2005 be and hereby set aside and the matter is remitted to the first Appellate Court viz. the Subordinate Court, Srivilliputhur;

(2) that, the first Appellate Court viz. the Subordinate Court, Srivilliputhur be and hereby directed to appoint a new Advocate Commissioner, so that the properties of both the parties are correctly surveyed and the same are referred to their respective title documents;



(3) that, the parties shall appear before the the first Appellate Court viz. the Subordinate Court, Srivilliputhur on 13.06.2022 through counsel and

(4) that, there be no costs in this Appeal.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1) The Subordinate Judge, Srivilliputhur.

2) The Principal District Munsif, Srivilliputhur.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/S.POLAX LEGAL SOLUTIONS, Advocate (SR-19900)

+1 CC to Mr.V.PANNEER SELVAM, Advocate (SR-20256)

ORDER DATED : 20/04/2022

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DECREE
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SA(MD). No.369 of 2010

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the Subordinate Court, Srivilliputhur, dated 27.11.2006 made in Appeal Suit No.52 of 2005, confirming the judgment and decree of the court of the Principal District Munsif, Srivilliputhur made in Original Suit No. 277 of 2004 dated 30.03.2005 and etc., as stated within.

svs(CO)

TR(08.06.2022) 2P 7C