



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

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

SA(MD) . No.430 of 2010

MARY GRACE

... Appellant/Appellant/Plaintiff

Vs

A.SILVESTOR

.. Respondent/Respondent/Defendant

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the 2nd Additional Subordinate Judge, Nagercoil, dated 29.10.2009 made in A.S.No.20 of 2009 confirming the judgment and decree of the Principal District Munsif, Nagercoil, dated 12.01.2009 made in O.S.No.615 of 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 Mr.T.Selvakumaran Advocate, for the Appellant and of Mr.V.Meenakshisundaram for Mr.D.Nallathambi Advocate, for the respondent, and this Court partly allowing the Second Appeal, doth order and decree as follows:

- (1) that the judgment and decree made in A.S.No.20 of 2009 dated 29.10.2009 be and hereby is modified that the permanent injunction is granted upholding the plaintiffs 1/3rd right in the suit well to irrigate 1 acre of land (items 1 and 2 of suit "B" Schedule), and the Second appeal is partly allowed.
- (2) that there be No costs in this Second Appeal.

Sd/-

Assistant Registrar(CS II)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)



TO

1.The II Additional Subordinate Judge,
Nagercoil.

2.The Principal District Munsif,
Nagercoil.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-6415 /2022)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-6323 /2022)

ORDER DATED : 14/02/2022

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DECREE
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SA(MD) . No.430 of 2010

Nature of Decree:- Partly
Allowing the Second Appeal
preferred against the
judgment and decree dated
29/10/2009 made in
AS.No.20/2009 on the file
of the II Additional
Subordinate Judge, Nagercoil
and confirming the judgment
and decree dated 12/01/2009
made in O.S.No.615/2005 on
the file of the District
Munsif Nagercoil and etc.,
as stated within

MK/15.03.2022/2P/7C