



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

Wednesday, the Ninth day of March Two Thousand Twenty Two
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
SA(MD) . No.437 of 2010

- 1.PRABHA
- 2.P.DEVARAJ
3. GNANA BAKKIAM
- 4 THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5 THE COMMISSIONER
KILLIYOOR PANCHAYAT UNION, OFFICE OF,
PANCHAYAT UNION, THOLAIYAVATTAI POST.
- 6 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 7 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KARUNGAL POST,
KANYAKUMARI DISTRICT.

... Appellants/Respondents 1-3/Defendants 1-3
Vs

AYYAVU

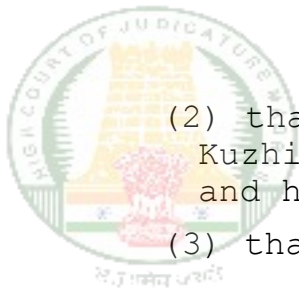
... Respondent/Appellant/Plaintiff

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Subordinate Judge, Kuzhithurai, dated 14.09.2007 made in A.S.No.32 of 2004, reversing the judgment and decree of the Principal District Munsif , Kuzhithurai, dated 29.04.2004 made in O.S.No.379 of 1998.

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.N.Muthu Vijayan Special Government Pleader for the Appellants (Appellant-1,4 to 7)and Appellants 2 and 3 not appeared either in person or by an Advocate and of Mr.P.Thirumahilmaren Advocate for the Respondent, this court, while allowing this Appeal, doth order and decree as follows:

(1)That, the judgment and decree of the Subordinate Judge, Kuzhithurai,dated 26.02.2021 made in A.S.No.10 of 2019,be and hereby is set aside;



- (2) that the judgment and decree of Principal District Munsif ,
Kuzhithurai, dated 29.04.2004 made in O.S.No.379 of 1998 be
and hereby is restored and this Second Appeal is allowed; and
(3) that there be no costs in this Second Appeal;

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge, Kuzhithurai.

2 The Principal District Munsif , Kuzhithurai.

Copy to:

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

+1 CC to M/s.Special Government Pleader (SR-11174/2022)

+2 CC to Mr.P.THIRUMAHILMARAN, Advocate (SR-11294,11670/2022)

ORDER DATED : 09/03/2022

DECREE

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Nature of Decree:- Allowing the Second Appeal preferred against to set aside the Judgment and decree dated 14.09.2007 passed in A.S. No.32 of 2004 on the file Learned the Subordinate Judge Kuzhithurai reversing the Judgment and decree dated 29.04.2004 passed in O.S. No.379 of 1998 on the file of the Principal District Munsif, Kuzhithurai and etc., as stated within.