



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Fourteenth day of March Two Thousand and Twenty Two

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PRESENT

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

SA(MD). No.47 of 2010

KALIYAMOORTHY

... Appellant/Respondent/Plaintiff

Vs

A.S.MANIAN (DIED)
AMBIGAIAMMAL (DIED)
A.SENGATHIR SELVAN (DIED)

1 NIRAIMATHI

2 KALAVATHY

3 ARUNKUMAR

4 ANANTHA KUMAR

... Respondents/Appellants 4 to 7/
Defendants 4 to 7

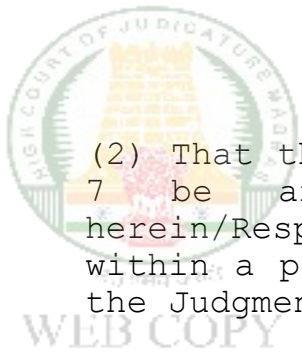
Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Principal Subordinate Court, Tiruchirappalli in A.S.No. 70/2008 dated 14.07.2009 reversing the judgment and decree of the District Munsif, Trichirappalli in O.S. No. 1757 of 2004 dated 10.10.2007.

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.B.SARAVANAN, Advocate for the Appellant and of MR.C. KALAI ARASU, Advocate for the 1st, 3rd and 4th respondents, MR. K.R.LAXMAN, Advocate for the 2nd respondent, this Court doth order and decree as follows:-

(1) That the Judgment and Decree of the 1st Appellate Court Viz., Principal Subordinate Court, Tiruchirappalli in A.S.No. 70/2008 dated 14.07.2009, be and hereby is modified and this Second Appeal



(2) That the Respondents herein/ Appellants 4 to 7/ Defendants 4 to 7 be and hereby are directed to pay the Appellant herein/Respondent/Plaintiff the interest amount of Rs. 48,720/- within a period of eight weeks from the date of receipt of copy of the Judgment and this decree;

(3) That on default, it would carry interest at the rate of 12% p.a thereafter;

(4) That the Appellant herein/ Respondent/Plaintiff be and hereby is entitled to withdraw the amounts deposited by him as well as the Defendants before the Court below with accrued interest

(5) That there be no order as to costs in this Second Appeal.

Description of Property

Tiruchirappalli District, Tiruchy Taluk, at Gundur village, Ayan punjai S.F.No.371/2, out of 5 acre the extent to be sold is 2 acres 90 cents the same situated south of defendants land, east of defendants land, North of Musthafa's Land, West of Thiruvenkata Konar's Land. The irrigation channel runs east-west on the south land is in the Ayacut of "Kattalai Mettu Vaikkal".

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Principal Subordinate Judge, Tiruchirappalli.

2. The District Munsif, Trichirappalli.

Copy to:

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-11858 dated 14/03/2022)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-12598 dated 16/03/2022)



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SA(MD). No.47 of 2010

ORDER DATED : 14/03/2022

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DECREE

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SA(MD). No.47 of 2010

Nature of Decree:-Disposed of the Second Appeal preferred against the judgment and decree of the Principal Subordinate Court, Tiruchirappalli in A.S.No. 70/2008 dated 14.07.2009 reversing the judgment and decree of the District Munsif, Trichirappalli in O.S. No. 1757 of 2004 dated 10.10.2007 and etc., as stated within.

RK(29/03/2022) 3P 7C