



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

Thursday, the Seventeenth day of March Two Thousand Twenty Two

PRESENT

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

SA(MD). No.564 of 2010

1. Thankayyan (Died)

2. Chandraseharan

(2nd Appellant recorded as LR of the Deceased 1st Appellant vide Court order dated 21.02.2022)

... Appellants/Respondents/Defendants

Vs

1. RAMALINGAM(died) ...1st Respondents/Appellant/Plaintiff

2. SUNDARABAI

3. RAJAKUMAR

4. KUMARADHAS

5. NALINA KUMARI

6. JAYAKUMAR

(Respondents 2 to 6 brought on record as LR of the deceased 1st Respondent)

... Respondents/--/LRs of the deceased sole Plaintiff.

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree of the Sub Ordinate Judge, Padmanabhapuram, dated 22.12.2009 made in Appeal Suit No.46 of 2009, reversing the Judgment and Decree of the Court of the Additional District Munsif, Padmanabhapuram made in Original Suit No. 260 of 2005 dated 09.07.2009.

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.K.N.THAMBI, Advocate for the Appellant and of Mr.K.SREEKUMARAN NAIR for R2 to R6, this Court doth order and decree as follows:-

(1) That, the Judgment and Decree of the 1st Appellate Court Viz., the Sub Ordinate Judge, Padmanabhapuram, dated 22.12.2009

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made in Appeal Suit No.46 of 2009, be and hereby set aside and this Second Appeal is allowed;

(2) that, the Judgment and Decree of the Court of the Additional District Munsif Court, Padmanabhapuram made in Original Suit No. 260 of 2005 dated 09.07.2009 be and hereby restored.

(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 Sub Ordinate Judge, Padmanabhapuram.

2) The Additional District Munsif, Padmanabhapuram.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.K.N.THAMPI, Advocate (SR-12780)

+1 CC to Mr.K.SREE KUMARAN NAIR, Advocate (SR-12863)

ORDER DATED : 17/03/2022

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DECREE

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SA(MD). No.564 of 2010

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the Sub Ordinate Judge, Padmanabhapuram, dated 22.12.2009 made in Appeal Suit No.46 of 2009, reversing the Judgment and Decree of the Court of the Additional District Munsif Court, Padmanabhapuram made in Original Suit No. 260 of 2005 dated 09.07.2009 and etc., as stated within.

KB(30.03.2022) 2P 7C