



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Tenth day of March Two Thousand Twenty Two

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PRESENT

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

SA(MD) . No.683 of 2010

SAATHAR

... Appellant/Appellant/Plaintiff

Vs

1. Rakkammal (Died)

2. Ilango

3. Tamilselvan

4. Isaiselvan

... Respondents/Respondents/Plaintiffs

5. Durairaj

6. Poongothai

(RR5 and 6 are brought On Record as Lrs Of Deceased 1st Respondent vide court order dated 31/01/2020)

... Respondents in SA(MD). 683/ 2010

Prayer :-

Appeal filed under Section 100 of C.P.C., preferred against the Judgment and Decree passed in A.S.No.28 of 2009 dated 23.11.2009 on the file of the Sub Court, Sankarankoil, confirming the Judgment and Decree passed in O.S.No.432 of 2004 dated 21.10.2008, on the file of the Additional District Munsif Court, Sankarankoil.

Decree:

This Second Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal and the Judgment and Decrees of the Lower Appellate Court and the Court of and the Court of Instance and upon hearing the arguments of Mr.F.X.Eugene, Advocate for the Appellant and Mr.S.Ramesh @ Ramaiah, Advocate for the Respondents 2 to 4 and R6 , and this Court doth order and decree as follows:-

i) That, the Judgment and Decree passed in A.S.No.28 of 2009 dated 23.11.2009 on the file of the Sub Court, Sankarankoil, confirming the Judgment and Decree passed in O.S.No.432 of 2004 dated 21.10.2008 on the file of the Additional District Munsif Court, Sankarankoil, be and hereby confirmed and this Second Appeal is dismissed;

ii) that, Since the Appellant is running brick kiln business and is critically Dependant on the bore well put up in the suit property and that the Appellant be and hereby is granted six months time to remove the same, and



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iii) 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 Judge, Sankarankoil.

2. The Additional District Munsif, Sankarankoil.

Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court, Madurai(+ 2 copies)

+1 CC to M/s.F.X.EUGUNE, Advocate (SR-11431 dated 11/03/2022)

ORDER DATED : 10/03/2022

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DECREE

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SA(MD) . No.683 of 2010

Nature of Decree:

Dismissing the SA(MD).No.683 of 2010,preferred against the Judgment and Decree passed in A.S.No.28 of 2009 dated 23.11.2009 on the file of the Sub Court, Sankarankoil, confirming the Judgment and Decree passed in O.S.No.432 of 2004 dated 21.10.2008, on the file of the Additional District Munsif Court, Sankarankoil.etc., as stated within.

MGJ(08.04.2022) 2P 6C