



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the First day of April Two Thousand Twenty Two

WEB COPY

PRESENT

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

SA(MD) . No.814 of 2010

SAM DAVID

... Appellant/Appellant/Plaintiff

Vs

1 STATE OF TAMILNADU
RP. BY ITS DISTRICT COLLECTOR, KANYAKUMARI DIST,
NAGERCOIL, VADASERY VILLAGE, AGASTHEESWARAM
TALUK, KANYAKUMARI DISTRICT.

2 COMMISSIONER
PANCHAYAT UNION, MUNCHIRAI, MUNCHIRAI DESOM,
ARUDESOM VILLAGE, VILAVANCODE TALUK,
KANYAKUMARI DISTRICT.

3 SUKUMARAN

4 JEYAKUMAR ... Respondents 1- 4/Respondents
Defendants 1 - 4

(Respondents 3 and 4 remained ex-parte in both the courts below, and notice need not go to them in the Second Appeal)

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Subordinate Judge, Kuzhithurai, dated 24.11.2009 made in A.S.No.141 of 2006, confirming the judgment and decree of the II Addl.District Munsif Court, Kuzhithurai, dated 10.01.2006 made in O.S.No.363 of 1995.

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.K.N.Thampi Advocate for the Appellant and of Mr.R.Ragavendran Government Advocate for the First and Second Respondent, this

<https://hcservices.courts.tn.in/hcservices/> and decree as follows:-



(1) The Suit is decreed as prayed for.

(2) That the appellant is given liberty to submit a representation to the first respondent offering to settle the matter by accepting compensation;

(3) If such representation is given that the First Respondent is directed to consider the same in accordance with law and appropriately compensate the appellant;

(4) that on such receipt of such representation , the first Respondent shall dispose it of within a period of twelve weeks thereafter. If the First Respondent is not willing to compensate the appellant, it is always to the appellant herein to execute this decree;

(5) that the Second Appeal is Allowed;

(6) That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Enclosed herewith Copy of the Schedule of Property

TO

1.The Subordinate Judge
Kuzhithurai.

2.The II Additional 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.K.N.THAMPI, Advocate (SR-16151 dated /2022)

+1 CC to M/s.SPL GP (SR-16312 /2022)



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SA(MD). No.814 of 2010

ORDER DATED : 01/04/2022

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DECREE

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SA(MD) . No.814 of 2010

While Allowing this Second Appeal preferred against the Judgment and Decree dated 24/11/2009 made in Appeal Suit No.141 of 2006 on the file of the Subordinate Judge , Kuzhithurai and Confirming the Judgment and decree , dated 10/01/2006 made in Original Suit No.363/1995 on the file of the Kuzhithurai District Munsif etc., as stated within.

RD(07.06.2022) 3P 7C