



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)
WEDNESDAY, THE TWENTY THIRD DAY OF MARCH TWO THOUSAND TWENTY TWO
PRESENT

THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN
SA(MD) . NO.849 OF 2010

WEB COPY

1. SAMSUDEEN @ BABU,
2. JOHN BATCHA
3. NAZAR
4. JINNAH,
5. KADHARIYA

...Appellants/Respondents 1,2,5,8 &9
Defendants 1,2,5 8&9

Vs

1.S.M.MOHAMMED RISWAN ..1st Respondent/2nd Appellant/2nd Plaintiff

2.KAMARUDEEN

3.ASISAN

4.MEHABOOB SHERIF .. Respondent2-4/Respondent4,6&7/
Defendants4,6 &7

Prayer :-

This Second Appeal filed under Section 100 of C.P.C., preferred against the Judgment and Decree passed in A.S.No.30 of 2001 dated 24.11.2009, on the file of the Additional Sub Court, Thanjavur, reversing the Judgment and Decree passed in O.S.No.641 of 1996 dated 27.04.2001, on the file of the District Munsif Court, Thanjavur.

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 Instance and upon hearing the arguments of Mr.M.Saravanan, Advocate for Mr.R.Subramaniam, Advocate for the Appellants and RR1 to 4 no appearance either in person or by an Advocate While Allowing Appeal and for this Court doth order and decree as follows:-

i) That, the Judgment decree passed in A.S.No.30 of 2001 dated 24.11.2009, on the file of the Additional Sub Court, Thanjavur, reversing the Judgment and Decree passed in O.S.No.641 of 1996 dated 27.04.2001, on the file of the District Munsif Court, Thanjavur, be and is hereby set aside and remanded to the first appellate Court,

ii) that, the first Appellate Court viz., the Additional Sub court, Thanjavur, do restore the Appeal Suit to its original number in the register and proceed to dispose of the case in the light of the observations and directions contained in the judgment herein;



- iii) That the Second Appeal be and is hereby allowed;
iv) That, there be no costs in this Second Appeal.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2022

Sub Assistant Registrar (CS)

TO

1. The Additional Sub Judge,
Thanjavur.
2. The District Munsif,
Thanjavur.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai (+2copies)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-14017 dated 24/03/2022)

ORDER DATED : 23/03/2022

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DECREE

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SA(MD). No.849 of 2010

Nature of the Decree:-Allowing the SA(MD). No.849 of 2010 preferred against judgment and decree passed in A.S.No.30 of 2001 dated 24.11.2009, on the file of the Additional Sub Court, Thanjavur, reversing the Judgment and Decree passed in O.S.No.641 of 1996 dated 27.04.2001, on the file of the District Munsif Court, Thanjavur. etc. as stated within.

sp (CO)

GC (18.04.2022) 2P 6C

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