



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CIVIL APPELLATE JURISDICTION)**

**FRIDAY, THE TWENTY NINETH DAY OF APRIL TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN
SA(MD) . NO.872 OF 2010**

WEB COPY

ALBERT

... Appellant/1st Respondent/Plaintiff

Vs

1.DEVASIGAMONY (DIED)

2.RAJAMMAL

... Respondents/Appellants/Defendants 1 & 3

3.SHAHILA JANCY

D/O.LATE. DEVASIGAMONY

4.JEYASHEELAN

S/O.LATE. DEVASIGAMONY

5.JENILA JANCY

D/O.LATE. DEVASIGAMONY ... Respondents 3 to 5(LRs of the R1)

(RESPONDENTS 3 TO 5 ARE BROUGHT ON
RECORD AS THE LRS OF DECEASED First
respondent VIDE COURT ODR DT.01.11.16
MADE IN MP(MD) Nos.1 TO 3 of 2012
in SA(MD)No.872 of 2010)

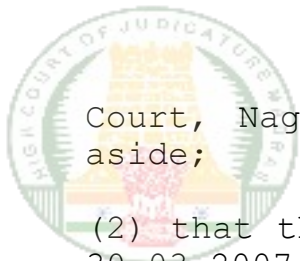
Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in A.S. No.97 of 2007 dated 25.07.2009 on the file of the I Additional Subordinate Court, Nagercoil, sitting at Padmanabhapuram, reversing the judgment and decree made in O.S. No. 258 of 1999 dated 30.03.2007 on the file of the Additional District Munsif, Eraniel.

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.BRIJESH KISHORE, Advocate for the Appellant and of MR. K.N.THAMPI FOR MR. K.SREEKUMARAN NAIR, Advocate for the respondents 2 to 5, this Court, While Allowing the Second Appeal, doth order and decree as follows:-

(1) That the Judgment and Decree made in A.S. No.97 of 2007 dated 25.07.2009 of the 1st Appellate Court i.e I Additional Subordinate



Court, Nagercoil, sitting at Padmanabhapuram be and hereby is set aside;

(2) that the judgment and decree made in O.S. No. 258 of 1999 dated 30.03.2007 on the file of the Additional District Munsif, Eraniel be and hereby is restored and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ENCL:Xerox Copy of Schedule of Property

To

1. The I Additional Subordinate Judge,
Nagercoil at Padmanabhapuram.

2. The Additional District Munsif, Eraniel.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.B.BRIJESH KISHORE, Advocate(SR-22687
dated 29/04/2022)

ORDER DATED : 29/04/2022

=====

DECREE

=====

SA(MD). No.872 of 2010

Nature of Decree:- Allowing the Second Appeal preferred against judgment and decree made in A.S. No.97 of 2007 dated 25.07.2009 on the file of the I Additional Subordinate Court, Nagercoil, sitting at Padmanabhapuram, reversing the judgment and decree made in O.S. No. 258 of 1999 dated 30.03.2007 on the file of the Additional District Munsif, Eraniel and etc., as stated within.

se(CO)GC(03.06.2022) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>