



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

FRIDAY, THE ELEVENTH DAY OF MARCH TWO THOUSAND TWENTY TWO

PRESENT

THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN

SA(MD) . NO.874 OF 2010

1.BHAGAVATHI PERUMAL @ VARADHAN
2.ASHOKAN ...Appellants/Appellants/Defendants 6 & 7

Vs

1 ESWARAN (DIED)
2 SABHAPATHY
3 VAITHEESWARAN, (DIED)
4 SIVAKAMI
5 AMARAVATHI ... Respondents 1 to 5 /Respondents 1 to 5 /
Plaintiffs 1 to 5
6 SUMATHI @ SIVAKAMI AMMAL

(R-6 ARE LR OF THE DECD 3RD RESPT MEMO IS
RECORDED. MEMO USR NO.176/15 DT.13/1/15. AS
PER ORDER DATED 09/09/15 MADE IN SA.(MD)NO.874/10 BY MDJ)

7 SURESHKUMARI
8 UMA
9 PARVATHI ... Respondents 6 to 9/Respondent 6 to 9/
Defendant 1,2,3 &4
10 LEKSHMI

(6 TO 10 NOTICE NOT NECESSARY ARE GIVE UP)

11 SUNDARI
12 MEENA
13 USHA



14 SHAKILA

15 SOUNDARAJAN

...Respondents 10 to 15/Respondents 10 to 15/
Defendants 8,9,10,11,12 & 16

16 SHYAMALA

17 HEMALATHA

(12 TO 17 NOTICE NOT NECESSARY ARE GIVE UP)

18 SURENDRAN

19 SIVAKUMAR

...Respondents 16 to 19/Respondents 16 to 19/
Defendants 17 to 20

20 REENA

21 MINOR MAHALAKSHMI ... Respondents 10 to 15/Respondent 10 to 15/
Defendants 8,9,10,11,12 & 16

(RR 20 AND 21 ARE BROUGHT ON RECORD AS LRS OF
DECEASED 1ST RESPONDENT VIDE COURT ORDER
DATED 3/1/2020 MADE IN CMP.9054,9058 & 9061/19
IN SA.874/2010)

Prayer :-

Second Appeal filed under Section 100 of C.P.C., preferred against the Judgment and Decree passed in A.S.No.54 of 2005 dated 29.01.2010, on the file of the District Court, Kanniyakumari at Nagercoil, concurring the Judgment and Decree passed in O.S.No.42 of 1996 dated 16.02.2005, on the file of the I Additional Sub Court, Nagercoil.

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.Thayumanaswamy, Advocate for the Appellants and Mr.R.Murugan Advocate for Mr.S.Vashik Ali Advocate for 2,4 & 5TH , Respondents, Mr.A.C.Kannan, Advocate for 6 and 9th Respondents, Mr.V.S.Karthi, Advocate, for the 11th Respondent, the Respondents 12,13,20 & 21, not appeared either in person or by an Advocate and this Court doth order and decree as follows:-

i) That the judgment and decree passed in A.S.No.54 of 2005 dated 29.01.2010, on the file of the District Court, Kanniyakumari

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



at Nagercoil, be and are hereby confirmed and the Second Appeal is dismissed; and

ii) That there be no costs in this Second Appeal.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The District Judge,
Kanniyakumari at Nagercoil.

2.The I Additional Sub Judge,
Nagercoil.

Copy to:

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-11591 dated 11/03/2022)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-12119 dated 15/03/2022)

ORDER DATED : 11/03/2022

=====

DECREE

=====

SA(MD). No.874 of 2010

Nature of Decree:

Dismissing the SA(MD). No.874 of 2010 preferred against the Judgment and Decree passed in A.S.No.54 of 2005 dated 29.01.2010, on the file of the District Court, Kanniyakumari at Nagercoil, concurring the Judgment and Decree passed in O.S.No.42 of 1996 dated 16.02.2005, on the file of the Additional Sub Court, Nagercoil. etc. as stated within.

SP(CO)

GC(18.04.2022) 3P 7C

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