



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(CIVIL APPELLATE JURISDICTION)

WEDNESDAY, THE SIXTH DAY OF APRIL TWO THOUSAND TWENTY TWO

WEB COPY

PRESENT

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

SA(MD) . NO.885 OF 2010

Sabitha ... Appellant/Appellant/2nd Defendant

Vs

1. A.Mani (Died) ...1st Respondent/1st Respondent/Plaintiff

2. P.R.K.Pandian ...2nd Respondent/2nd Respondent/3rd Party

3. Pavalakodi

4. G.Prabavathi

5. M.Selvapandi ... Respondents 3 to 5/... /
LRs of the Deceased Plaintiff

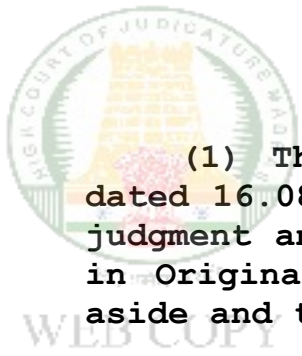
(Respondents 3 to 5 are suo motu impleaded as Lrs of
the deceased 1st Respondent vide order dated 23.02.2022
made in S.A(MD).No.885 of 2010)

Prayer:-

Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Sub Court, Theni, dated 16.08.2010 made in Appeal Suit No.171 of 2008, confirming the judgment and decree of the Court of the District Munsif, Theni made in Original Suit No.3 of 2006 dated 12.06.2006.

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.S.ANAND CHANDRASEKAR for M/S.SARVABHAUMAN ASSOCIATES, Advocate for the Appellant and of Mr.M.SARAVANAN Advocate for the Respondents 3 to 5 and the 2nd Respondent not appeared either in person or by an advocate, this Court doth order and decree as follows:-



(1) That, the judgment and decree of the Sub Court, Theni, dated 16.08.2010 made in Appeal Suit No.171 of 2008, confirming the judgment and decree of the Court of the District Munsif, Theni made in Original Suit No.3 of 2006 dated 12.06.2006 be and hereby set aside and the Second Appeal is allowed.

(2) That, Mrs.Sabitha/Appellant herein be and hereby directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of O.S.No.120 of 2007 on the file of the District Munsif Court, Theni, within a period of eight weeks from the date of receipt of a copy of this judgment and the delay in depositing the said amount would carry out at the rate of 12% per annum.

(3) That, the wife of Mani be and hereby permitted to withdraw the said amount of Rs.2,00,000/- (Rupees Two Lakhs only) without notice to the other parties and

(4) That, there be no order as to costs in this Second Appeals.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1)The Sub Judge,
Theni

2)The District Munsif,
Theni

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-17434)

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-17049)



WEB COPY

SA(MD). No.885 of 2010

ORDER DATED : 06/04/2022

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DECREE

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SA(MD).No.885 of 2010

Nature of Decree:-Allowing the Second Appeal preferred against the judgment and decree of the Sub Court, Theni, dated 16.08.2010 made in Appeal Suit No.171 of 2008, confirming the judgment and decree of the Court of the District Munsif, Theni made in Original Suit No.3 of 2006 dated 12.06.2006 and etc., as stated within.

SVS (CO)

GC (11.05.2022) 3P 7C