



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

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PRESENT

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

SA(MD) . No.92 of 2010

JOSEPH MERY

... Appellant/Appellant/Defendant

Vs

1 SEBASTHI NADAR (DIED)

... Respondent/Respondent/Plaintiff

2 BARIPOORNAM

3 BALTHASAR

4 AROCKIA MERY

... Respondents 2-4

(RESPONDENTS 2 TO 4 are Suo-Motu Impladed as Lrs of the Deceased Sole Respondent vide court order dated 15/02/2022 made in SA(MD)No.92/2010)

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 28.10.2009, made in A.S.No.53 of 2008 by the Subordinate Judge, Sivagangai, confirming the judgement and decree, dated 15.02.2008 made in O.S.No.106 of 2003 by the District Munsif, Sivagangai

DECREE:-

This Second Appeal coming on for hearing on this day, 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.Prahalad Ravi Advocate for the Appellant and of Mr.S.Natarajan Advocate for the Respondents, this Court doth order and decree as follows:-

(i) that the Judgment and Decree of the Subordinate Judge, Sivagangai dated 28.10.2009 made in A.S.No.53 of 2008 confirming the judgment and decree of the District Munsif, Sivagangai dated 15.02.2008 made in O.S.No.106 of 2003 be and hereby are confirmed

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and the Second Appeal is dismissed and ;

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Sivagangai

2.The District Munsif
Sivagangai

Copy to:

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

+1 CC to Mr.S. NATARAJAN, Advocate (SR-16482 dated 05/04/2022)

+1 CC to Mr.B. PRAHALAD RAVI, Advocate (SR-16982 dated 06/04/2022)

DECREE

ORDER DATED : 04/04/2022

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DECREE

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SA(MD). No.92 of 2010

Dismissing this Second Appeal preferred against the Judgment and Decree dated 28/10/2009 made in Appeal Suit No.53 of 2008 on the file of the Subordinate Judge Sivagangai and Confirming the Judgment and decree , dated 15/02/2008 made in Original Suit No.106/2003 on the file of the District Munsif Sivagangai etc., as stated within.

KB(02.05.2022) 2P 7C