



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Sixteenth day of December Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

SA(MD) . No.277 of 2012

PAPPAYEE AMMAL

... Appellant/Respondent/Plaintiff

Vs

1 MUTHUKANNU (DIED)

2 THAIMANI

... Respondents 1 & 2/Appellants/Defendants

3 SAKTHIVEL

4 SENTHILKUMAR

(Respondents 3 and 4 are brought on records as Legal Representative of the deceased 1st Respondent, vide Court order dated 05/08/2022 made in CMP(MD).No. 10751, 10752, 10754 & 10755 of 2017)

... Respondents 3 & 4(LRs of the deceased R1)

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional Subordinate Judge, Dindigul, dated 28.11.2011 made in Appeal Suit No.74 of 2008, reversing the judgment and decree of the court of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2008 made in Original Suit No. 53 of 2004.

DECREE:-

This Second Appeal coming on for final hearing on Friday, the Fourth day of November Two Thousand and Twenty Two, 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. G.PRAPHU RAJADURAI, Advocate for the Appellant and of MR. S.C.HEROLD SINGH, Advocate for the respondents 2 and 4, having stood over till the date of consideration, while allowing this appeal through out costs and this Court doth order and decree as follows:-



be and hereby is set aside and Judgment and decree of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2004 made in Original Suit No. 53 of 2004 be and hereby is restore;

(2) That the Respondents herein/Appellants/Defendants be and hereby is directed to pay sum, of Rs. 6310.50 (Six Thousand Three Hundred and ten and Fifty paise only) being the cost of the Original Suit, of Rs. 4040/- (Rupees. Four Thousand and Forty only) being the cost of Appeal Suit and of Rs. 4025/- (Rupees Four Thousand and Twenty Five only) (Court Fee of SA Rs.3715 + Batta of Rs. 180 + Verified Petition of Rs.10 + Trial Court Judgments of Rs.20 + Both Trial Court Decrees of Rs. 10 + vakalat of Rs. 10 + CMP-Petition and Affidavit of Rs. 60+ MP-Petition and Affidavit of Rs. 20) being the cost of Second Appeal to the Appellant herein/Plaintiff,

Memorandum of Costs (Respondent costs)

O.S. Cost	-	6310.50
A.S. Cost	-	4040.00
S.A Cost	-	4025.00
(Cost memo not filed)	-	-----
Total	-	14375.50

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

RMK/SSB

Encl: Xerox copy of Schedule of property.

To

1. The II Additional Subordinate Judge,
Dindigul.
2. The District Munsif -cum- Judicial Magistrate,
Vedasanthur.

Copy to:

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

+ 2 cc to Mr.G.Prabhu Rajadurai, Advocate, SR. Nos.62676 & 62847.
+ 1 cc to Mr. S.C.Herold Singh, Advocate, Sr. No.62822.



WEB COPY



ORDER DATED : 16/12/2022

+ Judgment

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DECREE

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SA(MD) . No.277 of 2012

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the II Additional Subordinate Judge, Dindigul, dated 28.11.2011 made in Appeal Suit No.74 of 2008, reversing the judgment and decree of the court of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2008 made in Original Suit No. 53 of 2004 and etc., as stated within.

SI(01.03.2023) 3P/ 8C



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(Civil Appellate Jurisdiction)

Friday, the Sixteenth day of December Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

SA(MD) . No.278 of 2012

PAPPAYEE AMMAL

... Appellant/Respondent/Defendant

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1 MUTHUKANNU (DIED)

2 THAIMANI

... Respondents 1 & 2/Appellants/Plaintiffs

3 SAKTHIVEL

4 SENTHILKUMAR

(Respondents 3 and 4 are brought on records as Legal Representative of the deceased 1st Respondent, vide Court order dated 05/08/2022 made in CMP(MD).No. 10751, 10752, 10754 & 10755 of 2017)

... Respondents 3 & 4(LRs of the deceased

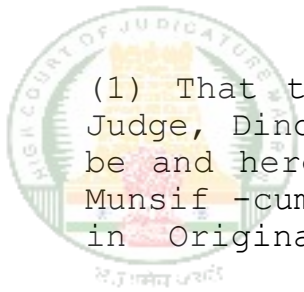
R1)

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional Subordinate Judge, Dindigul, dated 28.11.2011 made in Appeal Suit No.75 of 2008, reversing the judgment and decree of the court of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2008 made in Original Suit No. 54 of 2004.

DECREE:-

This Second Appeal coming on for final hearing on Friday, the Fourth day of November Two Thousand and Twenty Two, 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. G.PRAPHU RAJADURAI, Advocate for the Appellant and of MR. S.C.HEROLD SINGH, Advocate for the respondents 2 and 4, having stood over till the date of consideration, while allowing the appeal through out costs and this Court doth order and decree as follows:-



(1) That the Judgment and Decree of the II Additional Subordinate Judge, Dindigul, dated 28.11.2011 made in Appeal Suit No.75 of 2000, be and hereby is set aside and Judgment and decree of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2008 made in Original Suit No. 54 of 2004 be and hereby is restore;

(2) That the Respondents herein/Appellants/Plaintiffs be and hereby is directed to pay sum, of Rs. 780 (Rupees Seven Hundred and Eighty only) being the cost of the Original Suit, of Rs. 4040/- (Rupees. Four Thousand and Forty only) being the cost of Appeal Suit and of Rs. 345.50/- (Rupees. Three Hundred and Forty Five and Fifty paise only) (Court Fee of SA Rs.75.50 + Batta of Rs. 180 + Verified Petition of Rs.10 + Both Trial Court Decrees of Rs. 10 + Vakalat of Rs. 10 + CMP-Petition and Affidavit of Rs. 60) being the cost of Second Appeal to the Appellant herein/Defendant.

Memorandum of Costs (Respondent costs)

O.S. Cost	-	780.00
A.S. Cost	-	4040.00
S.A Cost	-	345.50
(Cost memo not filed)	-	-----
Total	-	5165.50

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

RMK/SSB

To

1. The II Additional Subordinate Judge,
Dindigul.
2. The District Munsif -cum- Judicial Magistrate,
Vedasanthur.

Copy to:

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

- + 1 cc to Mr.G.Prabhu Rajadurai, Advocate, SR. Nos.62852.
- + 1 cc to Mr. S.C.Herold Singh, Advocate, Sr. No.62823.



WEB COPY



ORDER DATED : 16/12/2022

+ Judgment

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DECREE

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SA(MD) . No.278 of 2012

Nature of Decree:- Allowing the Second Appeal preferred against the judgment and decree of the II Additional Subordinate Judge, Dindigul, dated 28.11.2011 made in Appeal Suit No.75 of 2008, reversing the judgment and decree of the court of the District Munsif -cum- Judicial Magistrate, Vedasanthur, dated 19.03.2008 made in Original Suit No. 54 of 2004 and etc., as stated within.

SI (01.03.2023) 6P/ 7C