



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Twenty Seventh day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

S.A.(MD). No.528 of 2012

1. S.Thambi Raj

2. Sundar Raj

... Appellant/ Appellant/Defendants

Vs

1. Christudhas (Died)

2. Lilly Bai

3. Jaspin Mary

4. Xavier Pushparaj

... Respondents/ Respondents/
Plaintiffs

(Respondents 2 to 4 are brought on record as LR's of the deceased sole respondent vide court order dated 10.01.2022 made in CMP(MD) Nos.10745,10748 and 10750/21 in SA(MD) No.528/2012)

Prayer:- Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 16.03.2012 made in A.S. No.2 of 2010 on the file of the District Judge, Kanyakumari at Nagercoil confirming the judgment and decree dated 03.06.2009 made in O.S. No.67 of 2004 on the file of the Subordinate Judge, Kuzhithurai.

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 material papers in the Suit and upon hearing the arguments of MR. K.Sree Kumaran Nair, Advocate for the Appellants and Mr. P.Subbiah, Advocate for the Respondents; this Court while recording the consent memo filed by both the parties on 25.01.2022 doth order and decree as follows:-

(1) That the total E.P. Amount is Rs. 4,73,318 (Rupees Four Lakhs Seventy Three Thousand three hundred and Eighteen only);

(2) That the amount paid on 10.01.2022 is Rs. 2,00,000/- (Rupees Two Lakhs only);

(3) That the respondents shall pay in the 3rd week of March Rs. 1,00,000/- (Rupees One Lakh only);

<https://hcservices.ecourt.gov.in/hcservices/sh> (4) That the respondents shall pay in the 3rd week of April Rs.



1,73,318/- (Rupees One Lakh Seventy Three Thousand and three hundred and Eighteen only);

(5) That the plaintiff shall give up the interest from the date of E.P.;

(6) That the E.P. Shall be closed subject to the above terms; and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The District Judge,
Kanyakumari at Nagercoil.

2. The Subordinate Judge, Kuzhithurai.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies.

+1 CC to Mr. K.Sreekumaran Nair, Advocate SR.No.2718 dt.28.01.2022

ORDER DATED 27.01.2022

DECREE

S.A (MD) No.528 of 2012

Closing the Second Appeal preferred against the judgment and decree dated 16.03.2012 made in A.S. No.2 of 2010 on the file of the District Judge, Kanyakumari at Nagercoil confirming the judgment and decree dated 03.06.2009 made in O.S. No.67 of 2004 on the file of the Subordinate Judge, Kuzhithurai etc., as stated within.

KB(18.02.2022) 2P 6C