



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Seventh day of June Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

SA(MD)No.342 of 2005

RM.SHANMUGAM

... APPELLANT/APPELLANT/ 2ND DEFENDANT

Vs

1.SHANTHI

... 1ST RESPONDENT/1ST RESPONDENT/PLAINTIFF

2.RM.MANICKAM

3.RM.VEERAPPAN

4.RM.MAHALINGAM

5.RM.JAYAKUMAR

6.L.KALYANI

7.LAKSHMI ACHI

8.V.Thiannappan ... RESPONDENTS 2 TO 8/RESPONDENTS 2 TO 8/
DEFENDANTS 1 & 3 TO 8

Prayer :- Second Appeal is filed under Section 100 of Civil Procedure Code, against the Judgment and Decree, dated 25.01.2005 in A.S.No.54 of 2004 on the file of the learned Subordinate Judge, Devakottai confirming the Judgment and Decree, dated 23.07.2004 in O.S.No.32 of 2004 on the file of the learned District Munsif, Devakottai and set aside the same.

Decree: This Second Appeal came up for hearing on Tuesday Twenty Fifth day of January Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the Judgment and Decree 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.V.R.Shanmuganathan, Advocate for the Appellant, Mr.J.Barathan for Mr.T.R.Jeyapalam, Advocate for 1st Respondent and of Mr.S.Yashwanth, Advocate for the 2nd to 7th Respondents and having stood over for consideration till this date, this Court doth order and decree as follows:-

i)That the Judgment and Decree dated 23.07.2004 passed in O.S.No.32 of 2004 on the file of the District Munsif, Devakottai, be and hereby is confirmed and this Second Appeal is dismissed;

ii)That the possession of the second defendant covered under Section 64 of the Tamil Nadu Building Plan Approval) shall not be disturbed;



iii) That the 2/16th share of the plaintiff shall be accommodated in the remaining vacant site; and

iv) That there be no costs in the Second Appeal.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge, Devakottai.

2.The District Munsif, Devakottai.

Copy to:

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

+1 CC to M/s.T.R.JEYAPALAM, Advocate, SR.No.24650

ORDER DATED : 07/06/2022

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DECREE
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SA(MD)No.342 of 2005

Nature of Decree:-

Dismissing the Second Appeal preferred against Judgment and Decree of the Subordinate Judge, Devakottai, passed in A.S.No.54 of 2004 dated 25.01.2005 and preferred against the Judgment and Decree of the District Munsif, Devakottai, passed in O.S.No.32 of 2004, dated 23.07.2004 etc., as stated within.

ks (CO)

TR(27.06.2022) 2P 6C