



S.A(MD)No.636 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

S.A(MD)No.636 of 2005

Yousufali

...Appellant/Respondent/Defendant

Vs.

1.Mathu

2.A.M.Mannan Mohammed

3.M.Maria Misria

...Respondents/Appellants/Plaintiffs

PRAYER:- Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the Judgment and Decree dated 01.03.2005 in A.S.No.151 of 2004 on the file of the learned Principal Sub Judge, Tirunelveli in so far as against the appellant reversing the Judgment and Decree dated 14.07.2004 in O.S.No.256 of 1996 on the file of the learned District Munsif Cum Judicial Magistrate, Nanguneri.

For Appellants :Mr.A.Arumugam

For R-1 :Mr.C.Selvakumar

For R-2 & R-3 :Mr.A.Ajmal Khan



S.A(MD)No.636 of 2005

WEB COPY

JUDGMENT

The Second appeal has been filed to set aside the Judgment and Decree, dated 01.03.2005 in A.S.No.151 of 2004 on the file of the learned Principal Sub Judge, Tirunelveli, reversing the Judgment and Decree dated 14.07.2004 in O.S.No.256 of 1996 on the file of the learned District Munsif Cum Judicial Magistrate, Nanguneri.

2.Heard on either side and perused the material documents available on record.

3.For the sake of convenience the contesting parties shall be referred to as Plaintiffs and Defendants.

4.The mother of R-2 has executed a settlement deed in favour R-2 even before filing of the suit in O.S.No.256 of 1996 and R-2 & R-3 are necessary parties to contest the suit. It is necessary to remand the matter to trial Court to record both oral and documentary evidence on behalf of R-2 & R-3. So, the matter is remanded back to the trial Court after fresh consideration. The trial Court is directed to amend the plaint of being by



S.A(MD)No.636 of 2005

the plaintiff and also given an opportunity to file written statement by R-2 & R-3 and additional written statement by R-1, if any.

5.Since the matter is pending from the year 1996 the trial Court is directed to conclude the proceedings within a period of six months, from the date of receipt of copy of the order.

6.With the above observations, this Second Appeal is disposed of.

No Costs.

22.07.2022

Index : Yes/No
Internet: Yes/No
ksa

To

- 1.The Principal Sub Court,
Tirunelveli.
- 2.The District Munsif Cum Judicial Magistrate Court,
Nanguneri.
- 3.The Section Officer,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A(MD)No.636 of 2005

S.ANANTHI, J.

ksa

Judgment made in
S.A.No.636 of 2005

22.07.2022