



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

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PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

AS (MD) . No.229 of 2021

IN

CMP (MD) NOS.7463 and 7464 of 2021

- 1.THANGASAMY (DIED)
- 2.E.JEYARAMAN
- 3.E.MOHANRAM
- 4.M.CHANDRA CHAITANYA

... Appellants/LR of the deceased/
sole plaintiff

Vs

- 1.RAMKUMAR
- 2.S.MURUGAN

... Respondent/Defendants

Prayer in AS (MD) . No.229 of 2021 :-

This First Appeal filed Under Section 96 of C.P.C. to set aside the judgment and decree passed in O.S.No.60/2016 dated 24-01-2020 on the file of the 2nd Additional District Court,Tuticorin.

DECREE :-

This First Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the judgement and decree of the lower court and the material papers in the suit and upon hearing the arguments of MR.B.GUNASANKAR for MR.H.ARUMUGAM Advocate for the Appellants and of MR.N.TAMILMANI Advocate for Mr.M.Velkrni Raju, Advocate for the Respondents, this court while Disposing the Appeal, doth order and decree as follows:-

(1) That the judgement and decree passed in O.S.NO 60 of 2016 dated 24.01.2020 on the file of the 2nd Addititonal District Court, Tuticorin, be and hereby are set aside and remanded to the file of 2nd Additional District Judge, Tuticorin for fresh disposal by appreciating the evidence on record within a period of three months from the date of receipt of a copy of this judgement.

(2) that, the 2nd Additional District Court, Tuticorin do restore the Original suit to its original number in the registrar and dispose of the case in the light of the observations and directions given in the Judgement herein.



(3) That there be no cost in this First Appeal.

Sd/-

Assistant Registrar (CS III)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

TO

1. The 2nd Additional District Judge, Tuticorin.

Copy to:

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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-15507)

ORDER DATED : 29/03/2022

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DECREE

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AS(MD). No.229 of 2021
Allowing the AS(MD). No.229
of 2021 preferred against
judgment and decree passed
by O.S.NO 60 of 2016 dated
24.01.2020 on the file of
the 2nd Addititonal District
Court, Tuticorin,etc. as
stated within.

MGJ(12.05.2022) 2P 6C