



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Friday, the Eighth day of April Two Thousand Twenty Two
PRESENT

The Hon`ble Ms.Justice R.N.MANJULA
AS(MD). No.40 of 2016

WEB COPY

1 BACKIAM @ BACKIA LAKSHMI ... Appellant/1st Defendant

Vs

1 S. SABARINARAYANAN ...1st Respondent/ Plaintiff

2 MARTHANAYAKANPATTI
PRIMARY AGARICULTURAL CO-OPERATIVE BANK
THROUGH ITS SPECIAL TAHSILDAR
D.NO.81 KULLOORSANTHAI,
4TH WARD ARUPPUKOTTAI
VIRUDHUNAGAR DIST.

... 2nd Respondent/2nd Defenant

Prayer :-

Appeal Suit filed under Section 96 of Civil Revision Procedure Code, to set aside the judgment and decree in O.S.NO.34 of 2009 rendered by the Sixth Additional District Judge, Madurai on 25/11/2015 and thus render Justice.

Decree:-

This First Appeal coming on for hearing on Wednesday, Ninth day of March Two Thousand Twenty Two, upon perusing the grounds of Appeal, the judgment and decree of the Lower Court and the court of First Instance and the material papers in the suit and upon hearing the arguments of MR.M. SRICHARAN RANGARAJAN for MR.P. MAHENDRAN Advocate for the Appellant, and MR. S. PARATHASARATHY for the 1st Respondent, and having stood over for consideration till this day, this court while allowing this Appeal in part, doth order and decree as follows:-

1. That the Judgement and Decree dated 25.11.2015, made in O.S.NO.34 of 2009, on the file of the Sixth Additional Judge, be and hereby modified and this Appeal suit is partly allowed.

2. that, the Plaintiff is entitled to get a decree for preliminary decree for partition in respect of $\frac{1}{2}$ share of the suit properties, which are purchased in the name of Krishnasamy Chettiar and $\frac{1}{6}$ th share in respect of properties of Ramanujam Ammal. This would include the properties purchased or inherited by Ramanujam Ammal at the death of her minor son of Saravanan and the suit is dismissed in respect of other reliefs, and



3. That there be no costs in the First Appeal.

Schedule of Property vide separate sheet.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

THE SIXTH ADDITIONAL DISTRICT JUDGE, MADURAI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-18225)

ORDER DATED : 08/04/2022

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DECREE

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AS(MD). No.40 of 2016

Allowing the AS(MD). No.40 of 2016 preferred against judgment and decree passed by O.S.NO.34 of 2009 rendered by the Sixth Additional District Judge, Madurai on 25/11/2015 etc. as stated within.

RK(12/05/2022) 2P 5C