



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

SA(MD) . No.750 of 2014

1. M. PALANIAPPAN (DIED) .. Appellant/Appellant/Plaintiff
2. THIRUPURA SELVI
3. KALAIIVANI
4. SENTHUR RAJA .. APPELLANTS

(APPELLANTS 2 TO 4 ARE SUO MOTU IMPEADED AS LRS OF THE
DECEASED SOLE APPELLANT VIDE ORDER DATED 12/04/2022)

Vs

G. SUBRAMANIAN ... Respondent/Respondent/
Defendant

Prayer :-

Second Appeal filed under section 100 of the Civil Procedure Code, against the judgment and decree passed in AS NO.23 of 2012, dated 26/08/2013 on the file of the 1st Additional District Court, Madurai **Confirming** the judgment and decree passed in OS. NO.328 of 2007 dated 22/03/2012 on the file of the V Additional Sub Court, Madurai.

Decree:-

This Second Appeal came up for hearing on this day, 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.M.V.Venkataseshan, advocate for the appellants and of Mr.M.Vallinayagam, Senior Counsel for Mr.D.Nallathambi, advocate for the respondent, this court while allowing the Second Appeal in part doth order and decree as follows:-

i) That the Respondent herein/Defendant be and hereby is directed to pay the appellants, the advance amount received under the suit agreement with 12% interest from the date of agreement



ii) That the plaintiff, is also entitled to withdraw the balance sale consideration with accrued interest, if any.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

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/06/2022

Sub Assistant Registrar(CS)

TO

1. 1st Additional District Judge,
Madurai.

2. The V Additional Subordinate Judge,
Madurai.

Copy to:

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

+1 CC to M/s.M.V. VENKATASESHAN, Advocate (SR-19684 dated
20/04/2022)

ORDER DATED : 19/04/2022

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DECREE

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SA(MD). No.750 of 2014

Partly Allowing the SA (MD)
NO.750/2014 preferred against the
judgment and decree passed in AS
NO.23 of 2012, dated 26/08/2013
on the file of the 1st Additional
District Court, Madurai
Confirming the judgment and
decree passed in OS. NO.328 of
2007 dated 22/03/2012 on the file
of the V Addpitional Sub Court,
Madurai, etc., as stated within.