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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Ninth day of June Two Thousand
and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

SA(MD)No.213 of 2015

MANIVASAGAM

... APPELLANT/APPELLANT/DEFENDANT

Vs

KARMEGAM

... RESPONDENT/RESPONDENT/PLAINTIFF

Prayer :-This Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 05.09.2011 made in A.S.No.67 of 2011 on the file of the Subordinate Court, Devakottai, confirming the Judgment and Decree dated 08.12.2010 made in O.S.No.38 of 2009 on the file of the Principal District Munsif Court, Karaikudi.

Decree: This Second Appeal came up for hearing on Wednesday Sixteenth of March 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.T.Lajapathiroy, Advocate for the Appellant and of Mr.D.Venkatesh, Advocate for the Respondent and having stood over for consideration till this date, this Court doth order and decree as follows:-

i)That the Judgment and Decree of the learned Principal District Munsif Court, Karaikudi dated 08.12.2010 made in O.S.No.38 of 2009 and Judgment and Decree of the learned Subordinate Judge, Devakottai, made in A.S.No.67 of 2011 dated 05.09.2011 be and hereby are set aside and this Second Appeal is Allowed;

ii)That the Appellant herein/Defendant be and hereby entitled for declaration of title and for recovery of possession;

iii)That the Respondent herein/Plaintiff be and hereby directed to remove the superstructure, if any, and to hand over vacant possession of the property within a period of four months from the date of this order; and



iv)that, there be no costs in this Second Appeal.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)

To

1.The Subordinate Judge,
Devakottai.

2.The Principal District Munsif,
Karaikudi.

Copy to

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate, SR.No.25037

+1 CC to M/s.D.VENKATESH, Advocate, SR.No.25033

ORDER DATED : 09/06/2022

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DECREE

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SA(MD)No.213 of 2015

Nature of Decree:-

Allowing the Second Appeal preferred against Judgment and Decree of the Subordinate Judge, Devakottai, passed in A.S.No.67 of 2011 dated 05.09.2011 and preferred against the Judgment and Decree of the Principal District Munsif, Karaikudi, passed in O.S.No.38 of 2009 dated 08.12.2010 etc., as stated within.

KB(21.06.2022) 2P 7C