



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

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

AS(MD) . No.34 of 2017

1 JOHN GLITOUS ... Appellant / Plaintiff

Vs

1 DEVARAJ

2 THANKAM

3 DEVIKA

4 RATHIKA

[NOTICE TO 4th RESPONDENT DISPENSED WITH WAS
RECORDED VIDE COURT ORDER DATED 20.04.2017
MADE IN AS(MD)34 of 2017 & CMP(MD)No.2231 of 17]

... Respondents/ Defendants

Prayer :-

The Appeal Suit is filed under Order 41 Rule 1 & 2 r/w Section 96 of the Civil Procedure Code, against the judgment and decree dated 22.12.2015 made in O.S.No.57 of 2010 on the file of the District Court, Kanniyakumari at Nagercoil.

Decree:

This Appeal Suit is coming on for hearing on Thursday, the Seventh day of April Two Thousand Twenty Two, upon perusing the grounds of Appeal, the judgment and decree of the Trial Court and the material papers in the Suit and upon hearing the arguments of MR.K.GOVINDARAJAN FOR MR.C.CENIL, Advocate for the Appellant and of MR.K.SATHIYASINGH, Advocate for the Respondents 1 to 3 and having stood over the matter for consideration till this day, this Court while allowing the appeal suit in part, doth order and decree as follows:

(1) That the judgment and decree in O.S.No.57 of 2010 on the file of the District Judge, Kanniyakumari at Nagercoil, dated 22.12.2015 be and hereby is set aside;

and
<https://hcservices.ecourts.gov.in/hcservices/>



(2) that the suit be and hereby is decreed in respect of the alternate relief of refund of partial consideration of Rs.7,30,000/- (Rupees Seven Lakhs Thirty Thousand Only) along with the interest at the rate of 7.5 % per annum from the date of the sale agreement till the date of suit and thereafter till the date of decree and at the rate of 6 % per annum from the date of decree till the date of realization; And

(3) That there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The District Judge,
Kanniyakumari at Nagercoil.

Copy to:

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

+1 CC to M/s.K. SATHIYA SINGH, Advocate (SR-21086 dated
26/04/2022)

ORDER DATED : 25/04/2022

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DECREE

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AS (MD). No.34 of 2017

Allowing the AS(MD). No.34 of 2017 in part preferred against judgment and decree dated 22.12.2015 made in O.S.No.57 of 2010 on the file of the District Court, Kanniyakumari at Nagercoil etc. as stated within.

RK(09/06/2022) 2P 5C