



SA(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Eighth day of December Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

SA(MD) . No.778 of 2022

1 K. Kalaivani

2 K. Harikrishnan

3 Kausihan

4 G. Dayalan

5 J. Rajammal

6 S. Dhanasekaran

7 R. Ramesh

8 R. Elangovan

9 R. Kannan

R. Ravichandran (Died)

R. Tamilselvan (Died)

... Appellants/Appellants

1 to 10/

Plaintiffs 1 to 10

Vs

1 S. Devarajan

2 R. Rathinam

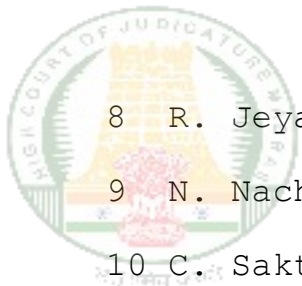
3 R. Selvaraj

4 R. Vijayarani

5 R. Vijayaraghavan

6 R. Dinakaran

7 Santhi



8 R. Jeyagopi

9 N. Nachiappan

10 C. Sakthivel

11 The Joint Registrar II
Virudhunagar.

12 The Tahsildar
Virudhunagar.

13 Santhi

14 Minor Janavarthini
Represented By The Court Guardian
Sri.D.Murugan Advocate, Appointed As Court
Guardian Court Complex,
Collectorate
Virudhunagar.

... Respondents/Respondents/
Defendants

(Since Respondents 1 to 8 and 13
remained ex-parte before the
first appellate court, notice
to them may kindly be dispensed with)

Prayer :-

Second Appeal filed under Section 100 of Civil Procedure Code, to allow this Second Appeal thereby setting aside the Decree and Judgment dated 03-02-2017 made in A.S. No. 27 of 2011 on the file of the Learned Subordinate Judge, Virudhunagar confirming the Decree and Judgment dated 18-01-2010 made in O.S. No. 271 of 2008 on the file of the Learned District Munsif, Virudhunagar and decree the suit as prayed for with costs through out and pass such other and or further orders as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

Decree :-

This Second Appeal coming on for hearing under the provisions of Rule 11 of Order XLI of Schedule 1 of the Code of Civil Procedure 1908, upon perusing the Grounds of Appeal, the judgments and decrees 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. S.Parthasarathy, Advocate, for the appellants and of Mr.G.Mariappan, Advocate for the ninth respondent, this court while disposing of this Second Appeal, doth order and decree as follows;



i) That the Appellants herein/Plaintiffs be and hereby are granted liberty to work out their remedy in O.S.No.6/2015, which is pending before the learned Additional District Judge, Virudhunagar.

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ii) That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

Scheduled of Property attached vide
seperate sheet

TO

1. The Subordinate Judge, Virudhunagar
2. The District Munsif, Virudhunagar
3. The Additional District Judge, Virudhunagar.

Copy to:

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

+1 CC TO MR.S.PARTHASARATHY, Advocate (SR-61383)

+1 CC TO MR.G.MARIAPPAN, Advocate (SR-60660)



SA(MD)



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ORDER DATED : 08/12/2022

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JUDGMENT+DECREE

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SA(MD) . No.778 of 2022

Disposing the SA(MD) . No.778 of 2022 preferred against the Decree and Judgment dated 03-02-2017 made in A.S. No. 27 of 2011 on the file of the Learned Subordinate Judge, Virudhunagar confirming the Decree and Judgment dated 18-01-2010 made in O.S. No. 271 of 2008 on the file of the Learned District Munsif, Virudhunagar etc as stated within.

NA/21.03.2023/4P/8C