



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twentieth day of March Two Thousand Twenty Three

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PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

AS (MD) . No.8 of 2009

1 SABIRA BEGUM

2 KURAI SA BEGUM

3 SAHAR BANU

4 RABIYATH BASIRIA

5 SAIDANI BEGUM

6 SYED NIYAMATHULA

:Appellants//Plaintiffs

Vs

1 MOHAMMED ARIFF

2 ZAHIR HUSSAIN

3 ROJA @ SIRAJUNNISSA BEGUM

4 HASEENA BEGUM

5 SAHIRA BANU

6 ZUNAIDA BEGUM

7 G.MANICKAM, (DIED)

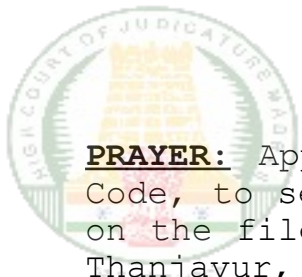
8 RADHAKRISHNAN

9 NEELAKANDAN,

:Respondents/Defendants 2 to 8 and
LRS of the Deceased 7th Defendant

(Respondents 8 and 9 are brought on record as Legal representatives of the deceased 7th respondent vide Court order dated 20/08/2015 made in M.P(MD)Nos.1 to 3 of 2010 in A.S(MD)No.8 of 2009, dated 20.08.2015)

<https://www.mhc.tn.gov.in/judis>



PRAYER: Appeal suit filed under Section 96 of the Civil Procedure Code, to set aside decree and judgment passed in O.S.No.111 of 2004 on the file of the Additional District Judge/Fast Tract Court No.1, Thanjavur, dated.31.10.2007.

DECREE:-

This Appeal Suit having come up for final hearing on this day, the Decree and Judgment of the Trial Court and the material papers to the Appeal and upon hearing the arguments of Mr.N.Tamilmani, for M/s.G.Innisai, Advocate for the Appellants and the Respondents 1 to 6, 8 and 9 have not appeared either in person or through Advocate, this Court while allowing the Appeal, doth order and decree as follows:-

(1) That, the decree and judgment of Trial Court, ie., the Additional District Judge/Fast Track Court No.1, Thanjavur, made in O.S.No.111 of 2004, dated.31.10.2007, dismissing the partition suit in respect of items BCDEFG and H except Item No.3 of 'D' Schedule of properties be and hereby set aside and a preliminary decree is passed dividing the items BCDEFG and H except Item No.3 of 'D' Schedule of properties into two equal shares, allotting 50% of the above said properties to the plaintiffs and

(2) that, there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

Encl: Xerox copy of Schedule of property.

To

- 1.The Additional District Judge,
Fast Track Court No.I,
Thanjavur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.G.INNISAI, Advocate (SR-16552[F] dated 21/03/2023)



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AS(M



09

ORDER DATED : 20/03/2023

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DECREE

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AS(MD) . No.8 of 2009

Allowing the AS(MD) .
No.8 of 2009 preferred
against judgment and
decree passed in
O.S.No.111 of 2004 on the
file of the Additional
District Judge cum Fast
Tract Court No.1,
Thanjavur, dated.
31.10.2007 etc., as
stated Within.

SI/ (24.04.2023) 3P/ 5C