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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Thirty first day of January Two Thousand Twenty Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice SUNDER MOHAN

AS(MD). No.88 of 2012

J.Thomas S/o.James ... Appellant / 4th Defendant

- Vs. -

1. S.Karuppasamy
2.S.Subbaiah
3.S.Muthu Kamtchi Nathan ... 1st to 3rd respondents / Plaintiffs
4. A.Mariammal (Died)
5. R.Shanthi
6.Minor.Shanmugapriya, D/o.Late Ramesh Kannan
(Rep by mother R.Shanthi cause title accepted vide order dt.05.09.2012 made in MP No.1 of 2012)
7.Shanmugavadivu W/o.Sehnbagaraj,
8.Gandhimathi W/o.Kanniraj,
9. Bhuvaneshwari W/o.Ravikumar ... 4th to 6th Respondents / 1st to 3rd defendants

(Respondents 7 to 9 are brought on record as LRs of Deceased 4th Respondent Vide order dt.13.03.2020 made in CMP No.12229 of 2018)

Prayer:-
Appeal Suit filed under Section 96 of the Civil Procedure Code, against the judgment and decree dated 05.07.2012 made in O.S. No.52 of 2010, on the file of the First Additional District Court, Thoothukudi.

DECREE:-
This Appeal Suit coming on for hearing on Thursday, the Ninteenth day of January Two Thousand and twenty three, upon perusing the grounds of the Appeal, the judgment and decree of the Lower Court and the material papers in the Suit and upon hearing the arguments of Mr.S.Meenakshisundaram, Senior Counsel for M.Senguvijay, Mr.B.Kumar, Senior Counsel for Mr.R.Kannan, Advocate for first to third respondents and Mr.K.Poovalingam, Advocate for fifth and sixth respondents, seventh to ninth

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respondents not appeared either in person or by an Advocate[illegible]ng stood over for consideration till this date, this Court d[illegible]er and decree as follows:-

(1) That the judgment and decree dated 05.07.2012 made in O.S. No.52 of 2010, on the file of the First Additional District Judge, Thoothukudi be and is hereby confirmed and Appeal Suit is dismissed.

(2) That the Appellant shall pay the exemplary cost of Rs.30,000/- (Rupees Thirty thousand only) to pay to the respondent 1 to 3 / Plaintiffs.

(3) That the Appellant be and is hereby directed to pay Rs.10/- (Rupees Ten only) being the cost of Appeal Suit (cost memo not filed).

MOMORANDUM OF COSTS
(Respondent Cost)

Stamp for Vakalatnama	-	10.00
Advocate's Fee	-	Nil
Total		10.00

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

SMN2

To

1.The First Additional District Court,
Thoothukudi.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+2 CC to M/s.R.KANNAN, Advocate (SR-4826[F] dated 31/01/2023)

+1 CC to M/s.N.GA.NATRAJ, Advocate (SR-4926[F] dated 31/01/2023)

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ORDER DATED : 31/01/2023

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DECREE

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AS(MD). No.88 of 2012

Nature of Decree:-
Dismissing the Appeal Suit preferred against the judgment and decree in O.S No.52 of 2010 on the file of the First Additional District Judge, Thoothukudi dated 05.07.2012 and etc., as stated therein.

SI(21.02.2023) 3P 7C

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