



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

Wednesday, the First day of February Two Thousand and Twenty Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice S.SOUNTHAR

SA(MD) . No.131 of 2005

- 1.Meerammal Beevi (Died) ... Appellant/1st Respondent/
1st defendant
- 2.Mohammed Mydeen
- 3.Safyodu Rabiya
- 4.Abdul Haq
- 5.Seeni Sahubar
- 6.Jersees Khan
- 7.Tamumli Ansari
- 8.Ayaul Saariya
- 9.Mahaboob Khan ... Appellants 2 to 9

**(Appellants 2 to 9 are brought on record as
LRs of the deceased sole appellant vide order
dated 22.11.2021 made in C.M.P(MD)No.9743 of
2021 in S.A(MD) .No.131 of 2005 by RVJ)**

-Vs-

- 1.Abdul Jaffar ... 1st Respondent/Appellant/
Plaintiff
- 2.Yousuf
- 3.Meeran Kani
- 4.Kaul Akbar ... Respondents 2 to 4/
Respondents 2 to 4/
Defendants 2 to 4
- Abdul Kadhar (Deceased)
- 5.Shakul Hameed ... 5th Respondent/
6th Respondent/6th Defendant



Prayer :-

This Second Appeal filed under section 100 of C.P.C., to set aside the judgment and decree dated 14.10.2004 in AS No.30/2004 on the file of the Subordinate Judge, Devakkotttai, reversing judgment and decree dated 27.11.2003 in OS No.6/2001 on the file of District Munsif, Devakottai.

Decree:-

This Second Appeal coming on this day, upon perusing the Grounds of Appeal and the Judgment and Decrees of the Lower Appellate Court and the Court of Instance and upon hearing the arguments of Mr.V.R.Shanmuganathan, Advocate for the Appellants and Mr.J.Anandkumar, Advocate for the 1st Respondent and for the 2nd Respondent no appearance either in person or by an Advocate. This Court while Allowing the Second Appeal, both order and decree as follows:-

i)That the judgment and decree dated 14.10.2004 made in AS No.30/2004 on the file of the Subordinate Judge, Devakkotttai, be and hereby is set aside;

ii)that the judgment and decree dated 27.11.2003 made in OS No.6/2001 on the file of District Munsif, Devakottai, be and hereby is restored;and

iv)that there be no order as to costs in the Second Appeal.

'schedule of property attached vide separate sheet'

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Devakkottai.

2.The District Munsif,
Devakkottai.



SA(MD)



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3.The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-6031[F] dated
03/02/2023)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-5277[F] dated 01/02/2023)

ORDER DATED : 01/02/2023

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DECREE

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SA(MD) . No.131 of 2005

Allowing the SA(MD). No.131 of
2005,preferred against judgment
and decree dated 14.10.2004 in
AS No.30/2004 on the file of
the Subordinate Judge,
Devakkotttai, reversing
judgment and decree dated
27.11.2003 in OS No.6/2001 on
the file of District Munsif,
Devakottai. etc. as stated
within.

PKP/17.03.2023/ **3P/7C**