



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, M

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of April Two Thousand Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMA(MD). No.468 of 2022

SORIMUTHU ... Appellant/Respondent/Plaintiff

Vs

NATARAJAN @ ANTHONY ... Respondent/Appellant/Defendant

Prayer :-

Civil Miscellaneous Appeal filed under Order XLIII Rule 1(U) of the Civil Procedure Code against the judgment and decree made in A.S.No.53 of 2015 dated 15/12/2021 on the file of the Learned the Subordinate Judge, Sankarankovil remanding back the case of the trial Court by modifying the judgment and decree made in O.S.No.7 of 2009 dated 08/06/2015 on the file of the Learned District Munsif Cum Judicial Magistrate, Sivagiri.

This Civil Miscellaneous Appeal having come up for final hearing on this day upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.M.U.Shameem John, Advocate for the Appellant and of Mr.S.Meenakshisundaram Senior Advocate for Mr.R.T.Arivukumar Advocate for the respondent, this Court while allowing this Court doth order and decree as follows:-

(1) That the Judgment and decree dated 15.12.2021 passed by the Subordinate Judge, Sankarankovil(First Appellate Court) in AS No.53 of 2015, be and hereby is set aside and dated 08/06/2015 passed by the District Munsif Cum Judicial Magistrate, Sivagiri(Trial Court) in OS No.07 of 2009 be and hereby set aside.

2.That the Subordinate Judge, Sankarankovil(First Appellate Court) be and hereby is directed to give opportunity to both the parties to adduce additional evidence in respect of the additional documents filed before the Subordinate Judge, Sankarankovil and decide the appeal on its own merits.

3.That the such exercise shall be completed within a period of four months from the date of the receipt of a copy of this order.



4.that there be no order as to be costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/06/2023

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge,
Sankarankoil.

2.The District Munsif-cum-Judicial Magistrate,
Sivagiri.

Copy to:

1.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.M.SENGU VIJAY, Advocate (SR-22995[F] dated
24/04/2023)

ORDER DATED : 21/04/2023

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DECREE

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CMA(MD). No.468 of 2022

Allowing the CMA(MD). No.468 of 2022 preferred against judgment and decree made in A.S.No.53 of 2015 dated 15/12/2021 on the file of the Learned the Subordinate Judge,Sankarankovil remanding back the case of the trial Court by modifying the judgment an decree made in O.S.No.7 of 2009 dated 08/06/2015 on the file of the Learned District Munsif Cum Judicial Magistrate, Sivagiri. etc. as stated within.