



S.A.No.515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.09.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

S.A.No.515 of 2024
and
CMP.No.16525 of 2024

1. Arumugam
2. Jeeva

.. Appellants

Vs.

Kalimuthu

.. Respondent

PRAYER : Second Appeal is filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree dated 30.11.2023, A.S.No.18 of 2022 on the file of the Additional Subordinate Judge at Virudhachalam confirming the judgment and decree on the Court of I-Additional District Munsiff at Virudhachalam made in O.S.No.202 of 2013, dated 21.10.2021.

For Appellants : Mr.G.Anabayachozhan

For Respondent : Mr.J.Antony Jesus

J U D G M E N T



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WEB COPY The appellants have filed this Second Appeal against the Judgment and Decree of the learned Additional Subordinate Judge, Virudhachalam, dated 30.11.2023 in A.S.No.18 of 2022, confirming the judgment and decree of the learned I Additional District Munsif, Virudhachalam, dated 21.10.2021 in O.S.No.202 of 2013.

2. Heard, Mr.G.Anabayachozhan, learned counsel for the appellants and Mr.J.Antony Jesus, learned counsel appearing for the respondent and perused the materials available on record.

3. Challenging the concurrent findings of the Courts below, the appellants/defendants 5 and 7 have preferred this appeal to declare the existence of the B-Schedule channel and to restore the same, which was destroyed by the defendants.

4 . Before the Courts below, the plaintiff successfully established their claim. With the assistance of the Commissioner, the physical features of the property were also established. Additionally, the Village Administrative



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Officer (VAO) was examined and testified that, according to the revenue records, there was a channel and that it should extend to Survey No. 39.

However, on the ground, the said channel was not in existence. Therefore, based on the revenue records, it was proven that the channel once existed but was destroyed, as established by the plaintiff.

5. As a result, the defendants are liable to restore the channel.

6. Accordingly, this Second appeal is dismissed as it lacks merit.

Consequently, the connected miscellaneous petition is closed. No costs.

7. The defendants are directed to restore the channel within a period of three months from the date of this order.

03.09.2024

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Index : Yes/No

Speaking Order: Yes/No

Nutral citation: Yes/No

T.V.THAMILSELVI, J.



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To
The Section Officer, VR Section,
High Court of Madras.

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