



S.A.(MD).No.470 of 2020

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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.470 of 2020

and

C.M.P(MD).No.10298 of 2023

V.Sathaiah,

... Plaintiff/Appellant/Appellant

Vs

1. T.R.S.Karuppaiah,

2. T.R.S.Ramasamy,

... Defendants/Respondents/Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgement and Decree passed by the Subordinate Judge, Aranthangi in A.S.No. 4 of 2019 dated 06.11.2019 Upholding the Judgement and Decree passed by the District Munsif Court, Aranthangi in O.S.No.22/2010 dated 20.09.2018.



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For Appellant : Mr.N.Tamil Mani

For R1 & R2 : Mr.R.Paranjothi

JUDGMENT

This Second Appeal has been filed challenging the concurrent findings of the Courts below.

2. The plaintiff is the appellant herein and the defendants are the respondents herein. For the sake of convenience, the parties shall be referred as Plaintiff and Defendant as per the ranking in the suit.

3. The suit was filed for declaration and permanent injunction and the same was dismissed by the Trial Court. Aggrieved over the same, the plaintiff had preferred first appeal and the First Appellate Court had



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confirmed the findings of the Trial Court and dismissed the first appeal. Aggrieved by the concurrent findings of the Courts below, this Second Appeal has been filed.

4. The contention of the plaintiff is that his ancestor is having the property in the disputed area and the defendant's ancestor is also having the property in the disputed area. In the said village, most of the people would have the same name. Therefore, there is a confusion to arrive at a proper conclusion. Pending litigation, the Revenue Officer had restored the name of the plaintiff in the revenue records. But it is not known whether the defendants were granted any opportunity in the said proceedings. Therefore, in order to settle the issue amicably and the case ought re-agitated based on the evidence including the revenue records.

5. Therefore, this Court is remitting the case back to the Trial



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Court. The parties are at liberty to file additional pleadings and shall adduce additional evidence. Thereafter based on the same, the Trial Court shall pass appropriate orders.

6. The impugned Judgment and Decree passed by both the Courts are set aside. The Trial Court shall complete the trial within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Second Appeal is allowed in above terms. No costs. Consequently, connected miscellaneous petitions is closed.

14.03.2024

Index : Yes / No
NCC : Yes / No

jbr



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S.SRIMATHY, J.

jbr

TO:

1. The District Munsif Court, Aranthangi
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
S.A.(MD)No.470 of 2020

Dated:
14.03.2024