



S.A.No.396 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.04.2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

S.A. No.396 of 2010

and

M.P.No.1 of 2010

P.Ramadoss

... Appellant

Vs.

Periyasamy Udaiyar

...Respondent

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure to set aside the Judgment and Decree dated 26.11.2006 in A.S.No.31 of 2006 on the file of the learned Subordinate Judge, Kallakurichi confirming the O.S.No.779 of 2004 on the file of the learned Second Additional Munsif, Kallakurichi.

For Appellants : No Appearance

For Respondent : Died-sole Respondent

JUDGMENT

This Second Appeal has been filed to set aside the Judgment and Decree dated 26.11.2006 in A.S.No.31 of 2006 on the file of the learned



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Subordinate Judge, Kallakurichi confirming the O.S.No.779 of 2004 on the file of the learned Second Additional Munsif, Kallakurichi.

2. When the case came up for hearing on the earlier occasion, there was no representation for the Appellant. Therefore, the records were perused.

3. On perusal of the records, it is found that the Second Appeal was filed by the Defendant. The Respondent as Plaintiff had filed the Suit for recovery of money of Rs.63,175/- before the learned Additional District Munsif, Kallakurichi. After full trial, the learned Additional District Munsif by Judgment dated 22.06.2005 decreed the Suit in O.S.No.779 of 2004. Aggrieved the Defendant in O.S.No.779 of 2004 preferred the Appeal.

4. As per the remarks offered by the learned Judicial Magistrate No.I, Principal District Munsif (FAC) in D.No.168/2025 dated 27.03.2025 which was received through e-mail, pending E.P.No.445 of 2005 in O.S.N.779 of 2004, after due enquiry, the Claim Petition/E.A.No.602 of 2006 was



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dismissed, Item No.2 of the E.P property alone was confirmed for sale and sale certificate issued. Full satisfaction memo recorded, E.P is terminated.

Attachment regarding Lot No.1 is raised. On 13.09.2007 as per E.A.No.1031 of 2007 cheque was issued for a sum of Rs.77,667/- in favour of the Decree Holder/Periyasamy Udaiyar S/o. Velayutha Udaiyar, Ulagankaththan Village, Kallakurichi Taluk in P.O.No.1132823/11329 dated 14.09.2007 and full satisfaction memo filed and recorded. Therefore, E.P had been terminated.

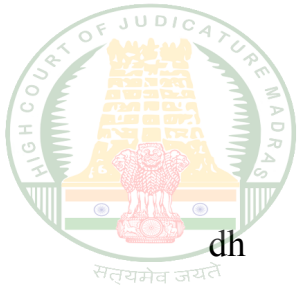
5. This being the Second Appeal preferred by the Defendant, the Defendant is aware of E.P and full satisfaction having been recorded, nothing survives.

In the result, this *Second Appeal is dismissed as infructuous.*
Consequently, connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order

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To

1. The Sub Court,
Kallakurichi.
2. The II Additional District Munsif Court,
Kallakurichi.
3. The Judicial Magistrate-I
Principal District Munsif (FAC),
Kallakurichi.



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SATHI KUMAR SUKUMARA KURUP.J.,

dh

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