



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

WEB COPY

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

SA No. 401 of 2011

AND

SA NO. 402 OF 2011

1. Varadan,

S/o.Elumalai Pillai, No.1/92b Main
Road, Meppur Village, Nazarathpettai
Post, Poonamallee Tk., Thiruvallur Dt.

2.Tmt.Muniammal,

W/o.Rangan,

3. Praveen,

Rep. By Mother And Natural Guardian
The 2nd Appellant, No.12, Gopal Naidu
St., Avadi Town And Post, Ch-54.

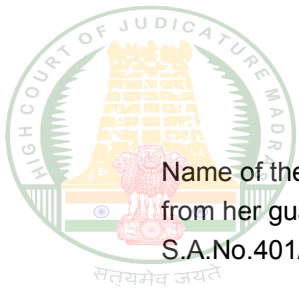
4.Prasanth,

Rep. By Mother And Natural Guardian
The 2nd Appellant, No.12, Gopal Naidu
St., Avadi Town And Post, Ch-54.

5. Pramila

Rep. By Mother And Natural Guardian
The 2nd Appellant,
No.12, Gopal Naidu St., Avadi Town
And Post, Ch-54.

[Minor appellants 3 and 4 decalred as Major and the 2nd appellant discharged from her guardianship
vide order of Court dated 18.07.2012 made in MP.Nos.1 to 4/2012 in S.A.No.401/2011.



Name of the minor 5th appellant amended and declared as major and the 2nd appellant discharged from her guardianship vide order of Court dated 23.07.2012 made in MP.Nos.5 to 7/2012 in S.A.No.401/2011.]

WEB COPY

Appellant(s)

Vs

Govindasamy (deceased)

1.G.Mani(died), No.1/79, Pillayar Koil St., Ullavoor Village, Kancheepuram Tk.

2.G.Krishnamurthy,
No.1/79, Pillayar Koil St., Ullavoor Village, Kancheepuram Tk.

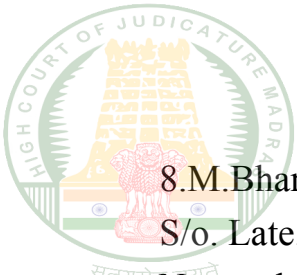
3.G.Venkatesan,
No.1/79, Pillayar Koil St., Ullavoor Village, Kancheepuram Tk.

4.G.Anbzhagi,
No.1/79, Pillayar Koil St., Ullavoor Village, Kancheepuram Tk.

5.G.Shanthi,
No.2/59, Vembuliamman Koil St., Vandaloor Village, Ch-48.

6.G.Vijaya,
No.5, Nehru St., Pammal Village And Post, Ch-75.

7.M.Saravana
S/o. Late.G.Mani Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123



SA No. 401 of 2011



8.M.Bharath

S/o. Late.G.Mani Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123

9.P.Somya

W/o. Praveen Kumar Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123

[R1 DIED, RR7 TO 9 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED R1 VIDE COURT
ORDER DATED 08/03/2024 MADE IN CMP NO 4307
OF 2024 IN SA NO 401 OF 2011]

Respondent(s)

SA No. 402 of 2011

1. Varadan,
S/o.Elumalai Pillai, No.1/92b Main
Road, Meppur Village, Nazarathpettai
Post, Poonamallee Tk., Thiruvallur Dt.

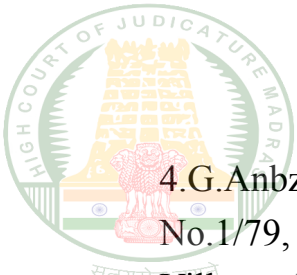
Appellant(s)

Vs

Govindasamy (deceased)
1.G.Mani(died), No.1/79, Pillayar Koil
St., Ullavoor Village, Kancheepuram
Tk.

2.G.Krishnamurthy,
No.1/79, Pillayar Koil St., Ullavoor
Village, Kancheepuram Tk.

3.G.Venkatesan,
No.1/79, Pillayar Koil St., Ullavoor
Village, Kancheepuram Tk.



WEB COPY

4.G.Anbzhagi,
No.1/79, Pillayar Koil St., Ullavoor
Village, Kancheepuram Tk.

5.G.Shanthi,
No.2/59, Vembuliamman Koil St.,
Vandaloor Village, Ch-48.

6.G.Vijaya,
No.5, Nehru St., Pammal Village And
Post, Ch-75.

7.M.Saravana
S/o. Late.G.Mani Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123

8.M.Bharath
S/o. Late.G.Mani Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123

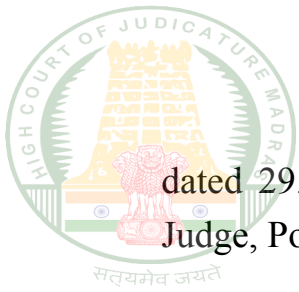
9.P.Somya
W/o. Praveen Kumar Varadan St,
Nazarathpettai, Agaramal, Thiruvallur
Dt. 600 123

[R1 DIED, RR7 TO 9 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED R1 VIDE COURT
ORDER DATED 08/03/2024 MADE IN CMP NO 4303
OF 2024 IN SA NO 402 OF 2011]

Respondent(s)

SA No. 401 of 2011

PRAYER This second appeal is filed under section 100 of CPC, against the judgement and decree dated 31.01.2011 passed in A.S.No.98 of 2008 on the file of the Principal District Judge, Thiruvallur reversing the judgment and decree



dated 29.08.2008 passed in OS.NO.4 of 2007 on the file of the Subordinate Judge, Poonamallee.

WEB COPY

SA No. 402 of 2011

PRAYER This second appeal is filed under section 100 of CPC, against the judgement and decree dated 31.01.2011 passed in A.S.No.99 of 2008 on the file of the Principal District Judge, Thiruvallur reversing the judgment and decree dated 29.08.2008 passed in OS.NO.5 of 2007 on the file of the Subordinate Judge, Poonamallee.

In both appeals

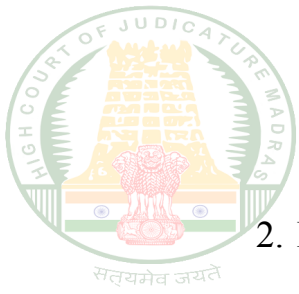
For Appellant(s): M/s.R.Bharath Kumar

For Respondent(s): M/s.R.Vijayaraghavan For RR2
To 6 M/s.P.Radhika For RR7 To
9
R1-died

COMMON ORDER

On 06.01.2025, in S.A.No.401/2011, this Court passed the following order:

“19. In view of the above stated reasons, this Second Appeal is partly allowed and the judgment and decree of the Principal District Judge, Thiruvallur, made in A.S.No.98 of 2008 dated 31.01.2011 is set aside and modified by granting the alternate relief of refund of Rs.4,64,000/~ to the appellants by the respondents along with interest at the rate of 9% from the date of the suit till the date of realization and the suit is decreed in respect of the alternate relief of refund. The said amount along with interest shall be deposited by the respondents to the credit of A.S.No.98 of 2008, before the Principal District Judge, Thiruvallur, within a period of one month from the date of receipt of a copy of this order. ”



2. In pursuance of the above, the learned Principal District and Sessions Judge, Tiruvallur, has submitted a letter dated 06.03.2025 to the Registry of this Court, stating that the respondents in S.A. No. 401 of 2011 have deposited a sum of Rs. 12,18,998/- towards refund of Rs. 4,64,000/-, together with interest at 9% per annum from the date of the suit, which has been received and is now lying to the credit of A.S. No. 98 of 2008. In view of the same, no further orders are required and S.A. No. 401 of 2011 stands partly allowed.

3. On 06.01.2025, in S.A.No.402/2011, this Court passed the following order:

“13. In view of the above stated reasons, this Second Appeal is allowed and the judgment and decree of the First Appellate Court are set aside. And, the matter is remanded to the file of the first appellate Court and the first appellate court is directed to recall the defendants-side witnesses or any other witnesses, who are related to the additional evidence received by the Court through Ex.B1 to B17 and grant an opportunity to the plaintiff to cross-examine those witnesses only on the aspect of additional evidence (Ex.B1 to B17) and hear further arguments of both sides and then, appreciate the matter and pass an order afresh and dispose the first appeal within two months from the date of receipt of a copy of this judgment. No costs.”

4. The learned Principal District and Sessions Judge, Tiruvallur, vide



letter dated 04.07.2025, sought further time to dispose of the suit in A.S. No. 99 of 2008. However, when the matter was taken up for hearing, the learned counsel for the respondent submitted that the suit in A.S. No. 99 of 2008 had already been disposed of on 15.09.2025.

5. In view of the submission made by the learned counsel for the respondent, the second appeal in S.A. No. 402 of 2011 stands allowed and no further orders are required in this appeal.

16-09-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

SA No. 401 of 2011





WEB COPY

SA No. 401 of 2011



R.N.MANJULA J.

**SA No. 401 of 2011
AND SA NO. 402 OF
2011**

16-09-2025