

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice ABDUL QUDDHOSE

SA(MD) No.65 of 2023

1 KANNAPPAN

2 KANNAPPA SUBRAMANIAM,

3 RADHAKRISHNAN ALAIS CHINNA RADHA

...APPELLANTS/APPELLANTS/
PLAINTIFFS

4 DEVI

... 4TH APPELLANT/4TH APPELLANT/
4TH PLAINTIFF

Vs

1 MARIMUTHU

2 KARUPPIAH

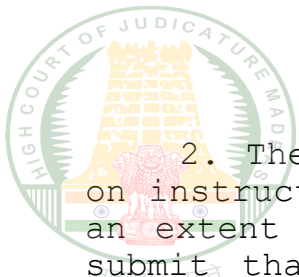
3 ANGUSAMY

... RESPONDENTS/RESPONDENTS/
DEFENDANTS

Second Appeal filed Under Section 100 of Civil Procedure Code, to set aside the judgment and decree dated 14-11-2022 made in AS.No.20 of 2019 on the file of Sub Court, Sivagangai, confirming the judgment and decree dated 10-01-2019 made in OS.No.226 of 2016 on the file of the District Munsif Court, Sivagangai, and allow this Second Appeal pending on the file of this Honble court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of M/S.N.ANANDKUMAR, Advocate on behalf of the Respondents the court made the following order:-

This Second Appeal has been filed challenging the concurrent findings of the Courts below. The plaintiffs are the appellants herein. The suit was filed for permanent injunction in respect of 12 cents of land. The said suit was dismissed by the Trial Court on the ground that the appellants/plaintiffs have not established their title over 12 cents. Aggrieved by the same, the appellants/plaintiffs filed a first appeal. The Lower Appellate Court also confirmed the findings of the Trial Court by dismissing the first appeal. Aggrieved by the concurrent findings of the Courts below, a Second Appeal has been filed.



SA/MI



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2. The learned counsel for the appellants would fairly submit, on instructions, that the appellants/plaintiffs are entitled only to an extent of 6 cents in the eastern side and therefore, he would submit that instead of moulding the relief, the Trial Court has erroneously dismissed the suit in entirety as the plaintiffs had claimed ownership of 12 cents of land instead of 6 cents. The learned counsel for the appellants would submit that settlement talks are going on between the parties and in all likelihood, compromise will be reached between them.

3. Post the matter for reporting settlement on 28.03.2023.

sd/-
13/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

lm

TO

1.THE SUBORDINATE JUDGE, SIVAGANGAI.

2.THE DISTRICT MUNSIF, SIVAGANGAI.

ORDER
IN
SA(MD) No.65 of 2023
Date :13/03/2023

RK/MMS/SAR-2 (21/03/2023) 2P/3C