

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

Thursday, the Twenty Second day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice T.RAVINDRAN

SA(MD) No.314 of 2018

SHANMUGASUNDARAM ... APPELLANT/1st APPELLANT/1st DEFENDANT

Vs

1 MANGAYARKARASI ... 1st RESPONDENT/RESPONDENT/PLAINTIFF

2 SHANTHANAYAGI ... 2nd RESPONDENT/2nd APPELLANT/2nd DEFENDANT

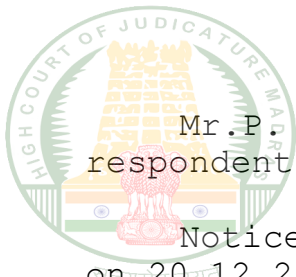
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the decree and judgment passed in A.S.No.12/ 2014 on the file of Principal District Judge, Thanjavur dated 17.05.2017 confirming the decree and judgment passed in O.S.No.4 / 2009 on the file of Additional Sub Court, Thanjavur dated 12.01.2012 and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.K.VIJAYARAGAVAN, Advocate for the petitioner and of MR.P.VADIVEL, Advocate for R1, the court made the following order:-

This Second Appeal is admitted on the following Substantial Questions of Law:

"1.When the plaintiff did not file cross appeal as against the decree and judgment of trial Court passed in O.S.No.4/2008 whether the Appellate Court has erred in granting relief to the plaintiff in A.S.No.12/2014 in respect of suit items 18 to 27, 29, 30, 34?

2. Whether the decree and judgment of the Appellate Court granting 1/6th share in the suit items to the plaintiff tenable?"



Mr.P. Vadivel, learned Counsel is appearing for the first respondent and seeks time for filing counter affidavit.

Notice to the second respondent returnable on 20.12.2018. Post on 20.12.2018.

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sd/-
22/11/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
THANJAVUR.

2 THE ADDITIONAL SUB COURT,
THANJAVUR.

ORDER
IN
SA(MD) No.314 of 2018
Date :22/11/2018

JM/VR MMS/SAR 1/06.12.2018/2P/3C