



SA(MD). No.237 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17/04/2026

CORAM

**THE HONOURABLE MR. JUSTICE P.B.BALAJI**

SA(MD). No.237 of 2017

1. Krishnapillai (Died), ... Appellant / Appellant/  
Plaintiff  
2. Rugmini(Died),  
3. Santhosh Kumar,  
4. Harikumar,  
5. Sunil Kumar,  
6. Minikumari, ...Appellants 2 to 6  
Appellants 2 to 6 are brought on record as  
LRs deceased sole appellant vide Court order  
dated 21.02.2020 made in CMP(MD)No.1432 of 2020

Vs

1. Anilkumar,  
2. Unni,  
3. Subathira,  
4. Rathinamma, ... Respondents/Respondents 1, 3 to 5/  
Defendants

PRAYER: Second Appeal is filed under Section 100 CPC, to set aside the judgment and decree dated 20.01.2017 passed in A.S.No.8 of 2014 on the file of the Subordinate Judge, Kuzhithurai, confirming the judgment and decree dated 28.10.2013 passed in O.S.No.566 of 2004 on the file of the I Additional District Munsif, Kuzhithurai and allow the second appeal.



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For Appellants : Ms.J.Anandhavalli

For Respondents : Mr.K.N.Thampi

### **ORDER**

This Second Appeal is admitted on the following substantial questions of law:

I. Is not the Courts below misread Exhibit A.4 insofar as the right of the appellant's mortgage right is concerned?

II. Is not the Courts below committed an error in dismissing the suit without lookin into the basic fact that the decree for redemption in respect of  $\frac{1}{4}$  of 90 cents in Survey No.2521 having not been redeemed and delivering is in respect of B schedule of 60 cents, in O.S.No.393 of 1982 which there is no mortgage?

2. Heard Ms.J.Anandhavalli, learned counsel for the appellants and Mr.K.N.Thampi, learned counsel for the contesting first respondent.

3. Judgment Reserved.

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**P.B.BALAJI,J.**

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