

IN THE COURT OF THE PRINCIPAL SUBORDINATE COURT,
NAGERCOIL

**PRESENT: Thiru G. Sudhagar, B.Sc.,B.L.,
Principal Subordinate Judge.**

Wednesday the 2nd day of January 2019

A.S. 1/2017

1. Chellathurai
2. Y. Sahayam

: Appellants / Plaintiffs

-Vs -

C. Sekar

: Respondent/Defendant

This appeal filed under section 96 and Order 41 Rule 1 of code of Civil Procedure 1908 against the decree and Judgment passed by the Principal District Munsiff, Nagercoil in Original Suit No 279/ 2012 dated 15.11.2016

1. Chellathurai
2. Y. Sahayam

: Plaintiffs

-Vs -

C. Sekar

: Respondent

This appeal is coming on this day for final hearing before me in the presence of Thiru K. Retnaswamy, Advocate for the appellants and of Thiru S.I. Marthandan, Advocate for Respondent. Appellant called absent no representation and this court delivered the following:

JUDGMENT

This appeal filed under section 96 and Order 41 Rule 1 of code of Civil Procedure 1908 against the decree and Judgment passed by the Principal District Munsiff, Nagercoil in Original Suit No 279/ 2012 dated

15.11.2016

Steps not filed. Appellant called absent. Hence this appeal is dismissed for default with costs.

Pronounced by me in open court, this the Wednesday the 2nd day of January 2019.

(G. Sudhagar)
Principal Sub Judge,
Nagercoil.

Fair/Draft Judgment

A.S. 1 of 2017

Dt: 2.01.2019

IN THE COURT OF THE PRINCIPAL SUBORDINATE COURT, NAGERCOIL

**PRESENT: Thiru G. Sudhagar, B.Sc.,B.L.,
Principal Subordinate Judge.**

Wednesday the 2nd day of January 2019

A.S. 1/2017

1. Chellathurai, S/o. Mr. Sethirabalan @ Chelliah, aged 62 years, Agriculturist, Hindu, Nadar, residing at Pulluvilai, Parakkai Post, Madhusoothanapuram Village, Agasteeswaram Taluk, Kanniyakumari District.
2. Y. Sahayam, S/o. Yovu Nadar, aged 48 years, Agriculturist, Hindu Nadar, residing at Pulluvilai, Parakkai Post, Madhusoothanapuram Village, Agasteeswaram Taluk, Kanniyakumari District.

.....Appellants / Plaintiffs

C. Sekar, S/o. Chellaperumal, aged 49 years, Agriculturist, residing at Pulluvilai, Parakkai Post Madhusoothanapuram Village, Agasteeswaram Taluk, Kanniyakumari District.

.....Respondent /Defendant .

This appeal filed under section 96 and Order 41 Rule 1 of code of Civil Procedure 1908 against the decree and Judgment passed by the Principal District Munsiff, Nagercoil in Original Suit No 279/ 2012 dated 15.11.2016.

1. Chellathurai
2. Y. Sahayam

: Plaintiffs

-Vs -

C. Sekar

: Respondent

Date of presentation ... 05.01.2017

Date of Filing ... 09.01.2017

This appeal filed under section 96 and Order 41 Rule 1 of code of Civil Procedure 1908 against the decree and Judgment passed by the Principal District Munsiff, Nagercoil in Original Suit No 279/ 2012 dated 15.11.2016.

For purposes of counter claim the lower court fee for 'A' relief for fixing the boundary line no provision is provided si fixed cout fee of Rs. 100/- is paid under section 50 of Tamil Nadu Court Fee and Suit Valuation Act 14 of 1955 and 'B' relif for declaration is valued at Rs 2000/- and a court fee of Rs. 151/- is paid under section 31 of Tamil Nadu Court fees and suit Valuation Act 14 of 1955.

This appeal is coming on this day for final hearing before me in the presence of Thiru K. Retnaswamy, Advocate for the appellants and of Thiru S.I. Marthandan, Advocate for Respondent. Appellant called absent no representation and this court doth order and decree.

that the appeal be and hereby
is dismissed for default, and
that the appellant do pay to the
respondent a sum of Rs. (Nil)
towards cost of this appeal
(cost memo not filed)

Given under my hand and seal of this Court, this the
Wednesday the 2nd day of January 2019.

(G. Sudhagar)

Principal Subordinate Judge,
Nagercoil.

(Cost memo not filed and allowed)

'A' SCHEDULE OF PROPERTY

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District : Kanniyakumari
Reg. District .. Kanniyakumari
Sub District .. Edalakudy
Taluk : Agasteeswaram
Village : Madhusoothanapuram
Old .Sy. No. : 4884,4851
Re.Sy. No. : 594/11,12
Extent : 3.750 cents

Description of property ... 3.759 cents of land with building bearing door Nos. 5/95, 5/99 with Electricity Nos. 07- 144-001 -195, 07-144-001-357

Boundaries

North : "B" Schedule Property
South : "C" Schedule Property
East : Property belongs to Chellathurai
West : Peria Perumal and other Properties.

'B' SCHEDULE OF PROPERTY

District : Kanniyakumari
Reg. District .. Kanniyakumari
Sub District .. Edalakudy
Taluk : Agasteeswaram
Village : Madhusoothanapuram
Old .Sy. No. : 4851
Re.Sy. No. : 594/10
Extent : 1 3/4 cents

Description of property ... 1 3/4 cents of land with building bearing door No5-109 with Electricity No .
144-001 - 613

Boundaries

North : Suyambu's Property
South : 'C' Schedule Property
East : 'A' Schedule property
West : Perumal Nadars Properties

'C' SCHEDULE OF PROPERTY

District : Kanniyakumari
Reg. District .. Kanniyakumari
Sub District .. Edalakudy
Taluk : Agasteeswaram
Village : Madhusoothanapuram
Re.Sy. No. : 594/10
Extent : nearly 1 cents.

Description of property ... Nearly 1 cent pathway land i.e 100 feet length and 7 feet width in the eastern side and 4 feet width in the western side.

Boundaries

North : Main Street
South : Defendant's property
East : 1st plaintiff's property
West : Appellant's properties and others property

D.C.

Shr.

P.S.J.

**Decree in
A.S. 28/2017
Dt.27.11.2018.**

