



S.A.No.688 of 2004

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.07.2023

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.688 of 2004

S.M.Anand

... Appellant

-VS-

Kumbakonam
Sri Sarangapaniswamy Temple,
by its Executive Officer,
Kumbakonam.

... Respondent

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 04.02.2002 made in A.S.No.92 of 2000 on the file of the Sub Judge, Kumbakonam confirming the Judgment and Decree dated 28.01.1999 made in O.S.No. 690 of 1991 on the file of the District Munsif, Kumbakonam.

For Appellant

... Mr.G.Gomathi Sankar

For Respondent

... Mr.R.Rajaraman



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JUDGMENT

WEB COPY The suit property belongs to the respondent Devasthanam/plaintiff.

The appellant/defendant is the tenant in the suit property. The appellant/defendant did not pay the rent regularly. Hence, the respondent/plaintiff filed the suit in O.S.No.690 of 1991 on the file of the I Additional District Munsif, Kumbakonam, seeking possession and arrears of rent and future income. After trial, the said suit was decreed. Further, the trial Court granted three months time to vacate the premises. Challenging the said Judgment and Decree, the appellant/defendant filed the appeal in A.S.No.92 of 2000 on the file of the Additional Sub Judge, Kumbakonam. After hearing, the first appellate Court dismissed the appeal and confirmed the Judgment and Decree passed by the trial Court. Aggrieved over the same, the appellant/defendant filed the present second appeal before this Court.

2. Notice has been served on the respondent/plaintiff and one Mr.R.Rajaraman, learned counsel entered appearance on behalf of the respondent/plaintiff. However, when the matter is taken up for hearing today, the learned counsel for the appellant/defendant would submit that the appellant/defendant has not at all contacted him and he is also unable



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to contact the appellant/defendant to get instructions. He would further submit that whether the appellant/defendant is residing in the suit schedule property and whether the suit property was handed over to the respondent/plaintiff by the appellant/defendant, are not known.

3. In view of the above submission, this Court is of the view that the appellant/defendant is not interested in prosecuting this matter. Hence, this Second Appeal is dismissed for non-prosecution. No costs.

24.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn

To:

- 1.The Sub Judge, Kumbakonam.
- 2.The District Munsif, Kumbakonam.
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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