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A.S.No.512 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2026

Coram

**The Hon'ble Mr.Justice N.Sathish Kumar
and
The Hon'ble Mr. Justice M.Jothiraman**

A.S.No.512 of 2022

and

C.M.P.No.18862 of 2022

1. Mr.K.Khaliyan

2. R.Shakilla

..Appellants

Vs.

Mrs.R.Manjula

..Respondent

Prayer :-

Appeal filed under Section 96 CPC, 1908 against the judgment and decree made in O.S.No.6567 of 2019 dated 30.11.2021 on the file of XVI Additional Judge, City Civil Court, Chennai.

For Appellants

: Mr.Niranjan Rajagopalan for
M/s.G.R.Associates

For Respondent

: Mr.C.P.Sivamohan



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Judgment

(Judgement of the Court was made by **N.Sathish Kumar J.**)

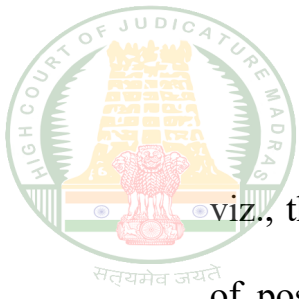
The defendants in O.S.No.6567 of 2019 are the appellants herein.

2. The above Suit was filed by the respondent/plaintiff seeking two reliefs, viz., i) For recovery of vacant possession of the suit property and ii) for damages.

3. The Trial Court vide a Judgment dated 30.11.2021 decreed the suit in part filed by the respondent, whereby, the relief of recovery of vacant possession of the suit property alone is granted, whereas, the other reliefs are concerned, the same have been negatived.

4. Challenging the aforesaid Judgment and Decree passed in O.S.No.6567 of 2019, the defendants have filed the present Appeal, viz., A.S.No.512 of 2022.

5. Today, when the Appeal is taken up for hearing, the learned counsel appearing for the appellants filed a Common Affidavit dated 14.07.2026 before this Bench, wherein, it is stated that both the appellants,

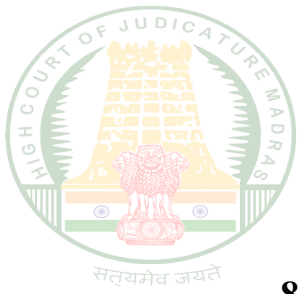


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viz., the husband and wife have decided not to press the relief for recovery of possession and to pursue only the alternate prayer made in respect of damage claimed in the other Appeal, viz., A.S.No.511 of 2022 and thus, sought time to vacate and handover possession of the suit property till 31.01.2027. The learned counsel for the appellants also served the copy of the said Affidavit on the learned counsel appearing for the respondent across the bar and therefore, prayed for suitable orders.

6. The learned counsel for the respondent would submit that they have no objection for disposing the Appeal Suit No.512 of 2022 on the basis of the Affidavit of Undertaking filed by the appellants.

7. Considering the submissions of the learned counsel appearing for both sides and the fact that the appellants have filed an Affidavit dated 14.07.2026, *inter alia* stating that they are not pursuing the Appeal on merit, rather has sought six months' time to vacate and handover vacant possession of the suit property, we are inclined to dispose of the Appeal as per the terms of the said Affidavit dated 14.07.2026.



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8. Accordingly, the Appeal Suit is disposed of in terms of the affidavit dated 14.07.2026. The said Affidavit shall form part of the decree. As pleaded by the learned counsel appearing for the appellants before us, the appellants are granted time till 31.01.2027 to vacate the suit property and handover vacant possession of the same to the respondent on or before 31.01.2017. It is made clear that, if the appellants commit any breach of undertaking given before us by way of an affidavit, the same would entitle the respondent to proceed against the appellants for committing contempt of Court. No costs. Consequently, connected miscellaneous Petitions are closed.

(N.S.K.J.) (M.J.R.J.)
14.07.2026

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Index : yes/no
Neutral Citation : yes/no

To

The XVI Additional Judge, City Civil Court, Chennai.



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&
M.Jothiraman,J.,

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14.07.2026