



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 788 of 2025 & CMP.No.29907 of 2025

1. Thara Mathilagan
W/o.Mathilagan, Res.at Old D.No. 110,
New D.No. 178/2, Rangarajapuram
Main Road, Kodambakkam, Chennai
24. and another

2. Mathilagan
Res.at Old D.No. 110, New D.No.
178/2, Rangarajapuram Main Road,
Kodambakkam, Chennai 24.

Appellant(s)

Vs

1. N. Bhoopathirajan
S/o T.K.Natarajan, Door No 2, Ground
Floor, 11th Cross Street, Balaji Nagar,
Saranga Avenue, New Perungalathur,
Chengalpattu Dist.

Respondent(s)

PRAYER : Second Appeal filed under section 100 of CPC to set aside the decree and judgment dated 22.7.2025 made in AS.No. 145/2024 on the file of I Additional District Judge, City Civil Court at Chennai confirming the decree and judgment dated 19.2.2024 made in OS.No. 7258/2022 on the file of the XIX Assistant Judge City Civil Court, at Chennai.

For Appellant(s): Ms.S.Sasikala

For Respondent(s): Mr.C.Sivanesan



JUDGMENT

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This Second Appeal has been filed challenging the decree and judgment dated 22.7.2025 made in AS.No.145 of 2024 on the file of I Additional District Judge, City Civil Court at Chennai confirming the decree and judgment dated 19.2.2024 made in OS.No.7258/2022 on the file of the XIX Assistant Judge City Civil Court, at Chennai.

2. The appellants are the defendants in the suit. The suit has been filed for evicting the defendants from the suit property. Challenging the concurrent findings of the Courts below, the defendants have preferred this second appeal.

3. Brief facts leading to filing of the suit is as follows :

The plaintiff is the absolute owner of the suit property and the defendants are tenants under her. Since the plaintiff is in need of the suit property for her own use, she had filed the suit for recovery of the possession and for costs.

4. Brief facts in the Written statement is as follows :

Admitting the tenancy, the contention of the defendants in the written statement is that since, they are residing in the suit property for more than 10 years, seek two years time to vacate the suit property.



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5. On the basis of the pleading of both the parties, the trial Court had framed the following issues :

1. Whether the plaintiff is entitled to relief of eviction against the defendants as prayed for?
2. To what other relief, the plaintiff is entitled?

6. During the course of trial, on the side of the plaintiff, plaintiff was examined as P.W.1 and Ex.A1 to Ex.A.6 were marked. On the side of the defendants, the first defendant was examined as D.W.1 and Ex.B1 to Ex.B.5 were marked.

7. After conclusion of trial, the trial Court decreed the suit and directed the defendants to quit and deliver suit property to the plaintiff within one month from the date of the judgment. On the appeal preferred by the defendants, the first appellate Court confirming the decree and judgment of the trial Court, granted one month time to the defendants to vacate and hand over the vacant possession of the suit property to the plaintiff. Hence, the defendants have preferred this Second appeal, challenging the concurrent findings of the Courts below.

8. On a perusal of materials available on record, since the defendants themselves had sought two years time to vacate the suit property in the written



statement itself, this Court is of the view there is no substantial question of law involved in this Second Appeal. Hence, this Second Appeal is liable to be dismissed.

9. In the result, this Second Appeal is dismissed. The appellants are granted five months time to vacate and hand over the possession to the respondent, failing which the respondent is at liberty to proceed the execution proceedings against the appellants. No costs. Consequently, connected miscellaneous petition is closed.

08-01-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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Note : Order Copy to be uploaded today

To

- 1.The XIX Assistant Judge,
City Civil Court, Chennai.
2. The I Additional Judge,
City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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