

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.06.2015

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.510 of 2009

and

M.P.No.2 of 2009

T.C.Govindasamy

... Appellant/Plaintiff

Vs.

1.T.S.Selvam

2.Tamilnadu Industrial Investment Corporation

rep by its Branch Manager,

Dharmapuri office at

Pannagaram Road,

Dharmapuri

... Respondents/Defendants

Prayer:- Appeal under Section 100 of the Civil Procedure Code, against the judgment and decree dated 10.02.2009 made in A.S.No.7 of 2007 on the file of the Sub-Court, Dharmapuri, reversing the well considered judgment and decree dated 30.11.2006 made in O.S.No.205 of 2001 on the file of the District Munsif, Dharmapuri.

For Appellant : Mr.R.Subramanian

For Respondent 2: Mr.K.V.Sundararajan

For Respondent 1: Exparte in Lower Court

J U D G M E N T

The suit property belongs to one T.S.Selvam who is the first defendant. The plaintiff who is the appellant herein had taken the said premises on rent at Rs.750/- p.m. The rental agreement was between the first defendant and the plaintiff on 15.06.2001. Whiles, the first defendant had obtained a loan from the second defendant, viz, Tamilnadu Industrial Investment Corporation and committed default in repaying the loan. In such circumstances, the second defendant threatened to take possession of the property from the plaintiff. As the plaintiff was carrying on business by running a photo studio and invested the huge amount, he filed the suit for injunction restraining the defendants 1 and 2 from evicting him from the premises unless by due process of law.

2. The suit was decreed as prayed for by the trial Court and on appeal by the second defendant, the appeal was allowed and the suit was dismissed. Now, the present second appeal is directed against the dismissal of the suit by the first appellate Court.

3. It is submitted by the second respondent, who is the second defendant, that the suit property has been handed over to the first defendant, who is the owner of the property, who had settled all the dues to the second defendant.

4. From the above facts, admittedly, the plaintiff is out of possession. The second defendant also seems to have handed over possession to the first defendant. In such circumstances, there is nothing to be decided in this second appeal and hence the Second Appeal is dismissed as infructuous and the judgment and decree of the first Appellate Court is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Subordinate Judge,
Dharmapuri
2. The District Munsif,
Dharmapuri.
3. The Section Officer,
V.R.Section, High Court, Madras.

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