

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.817 of 2015

and

M.P. No. 1 of 2015

1. Vijaya Narasimhan
2. N.Mukundan
3. V.Anantha Krishnan
4. N.Chandru

... Appellants/Appellants/
Defendants

Vs.

Saraswathi Pandaram Committee,
Rep by its Trustees

1. M.D.Sridivasan
2. S.Parthasarathy
3. M.A.Venkatakrishnan
4. Y.G.Parthasarathy
5. Thirumalai

... Respondent/Respondent/
Plaintiff

Prayer:- This Second Appeal filed under Section 100 of Civil Procedure Code against the Judgment and decree dated 07.10.2014 made in A.S.No.292 of 2011 on the file of the II Additional District and Sessions Judge, City Civil Court, Chennai, confirming the judgment and decree dated 13.11.2010 made in O.S.No.5470 of 2007 on the file of the XI Assistant City Civil Court, Chennai.

For Appellants : Mr.V.Meenakshi Sundaram
For Respondent : Mr.S.Sridhar

J U D G M E N T

The defendants are the appellants, who suffered decree for delivery of vacant possession of the suit property in O.S.No.5470 of 2007 on the file of the XI Assistant Judge, City Civil Court, Chennai.

2. At the time of admitting the above Second Appeal, notice was ordered to the respondent and the learned counsel for the appellants prayed to file an affidavit, seeking time for vacating the premises. Accordingly, today, an affidavit of undertaking is filed, seeking time to vacate the suit property and handover the vacant possession of the same to the respondent within six months from today 02.09.2015 i.e. on or before 01.03.2016. The said affidavit is signed by all the four appellants and their counsel .

3. Though in the memorandum of grounds of Second Appeal, the name of the first appellant is shown as Vijaya Narasimhan and the name of the fourth appellant is shown as N.Chandru as also in the cause title of the above said affidavit, but in the said affidavit, the first appellant, Vijaya Narasimhan has signed as Vijaya Lakshmi and the fourth appellant, N.Chandru has signed as N. Ramachandran. The fourth appellant is present before this Court and stated that he had signed as N.Ramachandran and he identified that the signature of the first appellant as found in the said affidavit is that of his mother Vijaya Lakshmi.

4. The learned counsel for the respondents has got no objection for grant of six months' time to the plaintiffs to vacate the premises, as stated in the said affidavit of undertaking.

5. Recording the above said affidavit of undertaking, without going into the merits of the appeal, the Second Appeal is disposed of, granting six months' time, to vacate the suit schedule property. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The II Additional District and Sessions Judge,
City Civil Court, Chennai,

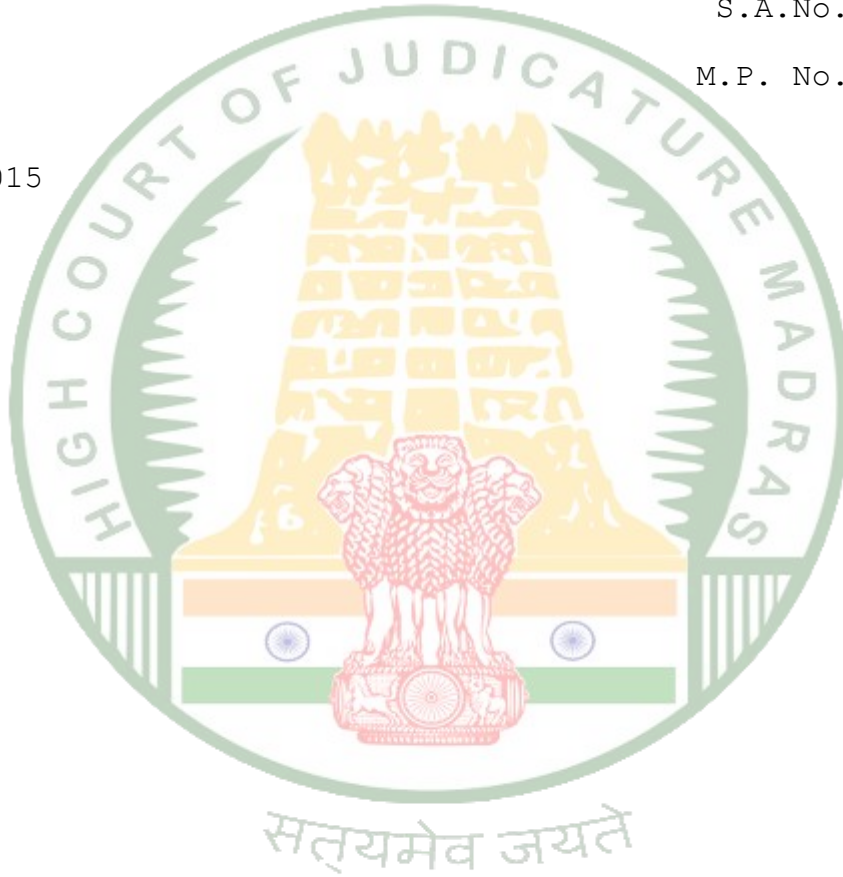
2.The XI Assistant City Civil Court, Chennai.

+1 cc to M/s.V.Meenakshi Sundaram Advocate sr.47411

+1 cc to M/S.S.Sridhar Advocate sr.47752

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