

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Second Appeal No.617 of 2016
and
C.M.P.No.11517 of 2016

P.Thirumal ... Appellant/Defendant

-vs-

M/s.VVS Public Trust, Rep. By its Trustees
1. Sri.A.Swaminathan, Son of Subramanian, 81 years
2. Sri.A.Satchidanandam, Son of Mruthynjayam, 88 years
3. Sri.A.V.Raghavan, Son of Late A.Subramaniyan, 88 years
Having their office at No.26, New No.6,
Ramanuja Iyer Street, Old Washermenpet,
Chennai-600 021. ... Respondents/Plaintiffs

Second Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 07.08.2015 in Appeal Suit No.360 of 2014 on the file of the Learned XVI Additional City Civil Judge, Chennai, confirming the Judgment and Decree dated 10.07.2014 in O.S.No.14098 of 2010 on the file of the Learned XI Assistant, City Civil Judge, Chennai.

For Appellant : Mr.R.Selvakumar

For Respondents : Mr.T.Viswanatha Rao

J U D G M E N T

The defendant in a suit for recovery of possession is the appellant. Both Courts below concurrently found against the defendant and decreed the suit as prayed for. When this appeal was taken up for admission last occasion, after hearing the matter for a while, this Court expressed its view that no substantial question of law arises for consideration to entertain the second appeal. At that time the learned counsel appearing for the appellant submitted that the appellant would vacate and hand over the suit property to the plaintiff, if sufficient time is given. Therefore, the matter was adjourned

for the purpose of filing an undertaking affidavit by the appellant. Accordingly, the matter is taken up today and an affidavit dated 17.08.2016 is filed before this Court, wherein the appellant has undertaken to vacate and hand over the possession of the suit property to the respondents/Trust on or before the 12th day of February, 2017.

2. Learned counsel appearing for the respondents is agreeable for granting such time.

3. Accordingly, the undertaking given by the appellant as stated supra is recorded and the Second Appeal is dismissed, however, by granting time for the appellant to vacate and hand over vacant possession of the suit property to the respondents on or before the 12th day of February, 2017. If the appellant fails to vacate and handover the vacant possession of the suit property as per the above undertaking, the respondents shall have liberty to file contempt proceedings, apart from further proceeding with the Execution Petition which is said to be now pending. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mk/vsi

To

1. The Registrar XI Assistant
City Civil Court, Chennai.

2. The Registrar XVI Additional,
City Civil Court, Chennai.

+1 cc to Mr.R.Selvakumar Advocate vider sr 46943

+1 cc to Mr.T.Viswanatha Rao, Advocate sr 46983

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aa08/09/2016