

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2017

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.S.Nos.974 & 975 of 2012

1. Munusamy (Deceased)
2. Vijayakumar
3. Anitha
4. Vanitha

(Appellants 2 to 4 brought on record as LRs of the sole appellant vide order of the Court dated 19.06.2017 in CMP.Nos.6248 to 6250 of 2016 in AS.No.974 of 2012 and CMP.Nos.6251 to 6253 of 2016 in AS.No.975 of 2012)

...Appellants/Plaintiff
in both the Appeals

vs.

Balasubramaniam

... Respondent/Defendant
in both the Appeals

Appeals are filed under Order 41 Rule 1 of Civil Procedure Code to set aside the judgment and decree in O.S.Nos.56 and 58 of 2000 on the file of the Additional Sessions Judge, Fast Track Court - I, Chengalpattu dated 31.10.2002.

For Appellants : Mr.Gurunathan

For Respondent : Mr.T.Dhanasekaran

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J U D G M E N T

There were three suits between the parties. The O.S.No.140 of 1999 was filed by the respondent in these appeals seeking specific performance. The O.S.Nos.56 and 58 were filed by the appellants in these appeals seeking mean profits and recovery of possession respectively.

2. The suit in O.S.No.140 of 1999 filed by the respondent seeking specific performance was decreed. Consequently, the other two suits were dismissed. As against the decree in O.S.No.140 of 1999, the respondent filed an appeal in this court in As.No.99 of 2003. The said appeal came to be allowed by this court on 11.07.2011. The said judgment of this court was challenged un-successfully before the Hon'ble Supreme Court.

3. Thus the decree for specific performance granted by the trial court stood set aside. However, it is now stated at the bar that the children of the 1st appellant namely the appellants 2,3 and 4 have executed a sale deed in respect of properties subject matter of the above proceedings in favour of the respondent Mr.K.Balasubramanian and in view of the same nothing survives in this appeal.

4. The learned counsel for the appellant has also made an endorsement stating that the appeals may be dismissed as settled out of Court, by recording the above fact, these appeals are dismissed as settled out of Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dsa/gmd

To

1.The Additional Sessions Judge,
Fast Track Court - I,
Chengalpattu.

2.The Section Officer.
V.R.Section,
High Court, Madras.

+1cc to M/s.T.Dhanasekaran, Advocate, S.R.No.57788

A.S.Nos.974 & 975 of 2012

GJ(CO)
CU(28/08/2017)