

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

S.A.No.346 of 2018
in C.M.P.No.9597 of 2018

Srinivasan

.. Appellant/Defendant

Vs.

Sri Lakshmi Narasimma Swami Devasthanam,
Rep.by its Assistant Commissioner/Executive Officer,
Sholinghur Town,
Walaja Taluk, Vellore District. .. Respondent/Plaintiff

PRAYER: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree dated 10.08.2011 made in A.S.No.72 of 2010 on the file of the Sub Court, Ranipet, confirming the judgment and decree dated 27.11.2008 made in O.S.No.14 of 2003 on the file of the District Munsif Court, Sholinghur.

For Appellants : Mr.G.Jeremiah

J U D G M E N T

This Second Appeal is filed against the judgment and decree dated 10.08.2011 made in A.S.No.72 of 2010 on the file of the Sub Court, Ranipet, confirming the judgment and decree dated 27.11.2008 made in O.S.No.14 of 2003 on the file of the District Munsif Court, Sholinghur.

2.Heard the learned counsel for the appellant and perused the materials available on record.

3.The unsuccessful defendant in both the Courts has below preferred this Second Appeal. The respondent-temple filed O.S.No.14 of 2003 against the appellant for the relief of declaration of title to the suit properties; deliver possession of 'B' schedule lands by removing the superstructure put by the appellant and for permanent injunction restraining the appellant from interfering with the respondent's peaceful possession and enjoyment of the rest of 'A' Schedule property, other than 'B' Schedule property. The respondent-temple also filed O.S.No.15 of

2003 against one R.Murthy for the very same relief and on similar facts. In both the suits, the said R.Murthy and appellant took similar defence and the Trial Court by common judgment and decree dated 27.11.2008, decreed both the suits.

4.The appellant herein filed A.S.No.72 of 2010 and said R.Murthy filed A.S.No.73 of 2010. The learned I Appellate Judge, by separate judgment and decree both dated 10.08.2011, dismissed both the Appeals.

5.The said R.Murthy filed S.A.No.842 of 2017. This Court by the order dated 13.12.2017, dismissed the said Second Appeal, confirming the judgment and decree of the Courts below. The reasoning of this Court in the judgment dated 13.12.2017 made in S.A.No.842 of 2017 is applicable to the facts of this Second Appeal and this Second Appeal is also liable to be dismissed.

6.The learned counsel appearing for the appellant sought time for vacating and handing over the possession of the suit property to the respondent-temple.

7.Considering the possession of the appellant for a considerable time, the appellant is granted three months time to vacate and hand over the possession of the suit property to the respondent-temple.

8.In view of the same, the Second Appeal is dismissed, confirming the judgments and decrees of the Courts below. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

LPP/gsa

To

1.The Subordinate Judge, Ranipet.

2.The District Munsif, Sholinghur.

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SS (CO)

SP(01/08/2018)