IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

S.A.No.1100 of 1993
and C.M.P.Nos.1663 to 1665 of 2009

Kadappakkam Charities Estate,
rep. by the Official
Trustee of Tamil Nadu,
Having office at Addl.
City Civil Court Building,
Madras-104. ..Appellant/Respondent/Plaintiff

Vs.

Chinnammal .. Respondent/Appellant/Defendant-2

Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree dated 28.02.1990 made in A.S.No.391 of 1989 on the file of the II Additional City Civil Judge, Madras reversing the well considered judgment dated 29.07.1985 made in O.S.No.4635 of 1983 on the file of the IX Asst. City Civil Judge, Madras.

For Appellant : Mr.N.Sankaravadivel
For Respondent : Died

J U D G M E N T

The Kadappakkam Charities Estate, represented by the Official Trustee filed a suit for recovery of possession and damages against the respondent/defendant. The suit was decreed in favour of the appellant/plaintiff. Aggrieved by the same, the defendant filed appeal before the Lower Appellate Court. However, the Lower Appellate Court allowed the First Appeal. As against the reversing judgment, the appellant/Trust filed the present second appeal before this Court. While pending second appeal, the Official Trustee of the appellant/Trust filed a memo dated 21.06.2013 stating that the suit scheduled property was sold to M/s.Maricar Estates Pvt. Ltd., as per the directions of this Court in A.No.2378 of 1996 in C.S.No.200 of 1930 and the sale deed was executed on 30.09.1999 itself. In this regard, a letter was addressed to them to know as to whether the said company took possession of the property as directed by this Court, for which, reply is awaited. Though no reply was

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received, the issue involved in this case has become infructuous. In view of the direction issued by this Court to execute a sale deed in favour of one M/s.Maricar Estates Pvt. Ltd., the appellant is no longer interested person. The interested person, M/s.Maricar Estates Pvt. Ltd., till date has not been impleaded in this case.

2. The Official Trustee of Tamil Nadu filed a memo on 21.06.2013 itself. However, no notice was served to the respondents. A perusal of entire records disclosed that during the pendency of the second appeal, Chinnammal/the sole respondent died and notice was served to the proposed second respondent and her name has appeared in the cause list.

3. In view of the above, the second appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

abr

To

1.The II Additional City Civil Judge,
Madras.

2.The IX Asst. City Civil Judge,
Madras.

3.The Administrator General Official Trustee,
High Court, Madras.

Copy to: The Section Officer,
VR Section, High Court, Madras.

S.A.No.1100 of 1993

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