

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.12.2018

Coram:

The Honourable Dr.Justice G.JAYACHANDRAN

S.A.No.1644 of 2004  
& S.A.No.1030 of 2005

1. S.Mehdi Ispahani,  
2. S.Ali Ispahani,  
3. Mohamed Ispahani, ... Appellants  
in S.A.No.1644 of 2004 /  
Defendants 2 to 4

M/s.Girdarilal Chandak & Brothers (HUF),  
Rep. By its Kartha Yogendra Chandak,  
New Address: No.66, G.N.Chetty Road,  
T.Nagar, Chennai-600 017. ... Appellant  
in S.A.No.1030 of 2005 /  
Plaintiff

Name substituted vide order of Court dated 27.11.2013 made in  
CMP Nos.921 & 922 of 2013 in S.A.Nos.1644 of 2004 & 1030 of 2005

Vs.

M/s.Girdarilal Chandak & Brothers (HUF),  
Rep. By its Kartha Yogendra Chandak,  
New Address: No.66, G.N.Chetty Road,  
T.Nagar, Chennai-600 017. ... Respondent  
in S.A.No.1644 of 2004 /  
Plaintiff

Name substituted vide order of Court dated 27.11.2013 made in  
CMP Nos.921 & 922 of 2013 in S.A.Nos.1644 of 2004 & 1030 of 2005.

1. S.Medhi Ispahani,  
2. Mr.S.Ali Ispahani,  
3. Mr.S.Mohamed Ispahani,  
All residing at No.177, Poonamallee,  
High Road, Chennai-600 010. ... Respondents  
in S.A.No.1030 of 2005/  
Defendants

S.A.No.1644 of 2004:

PRAYER: This Second Appeal are filed under Section 100 of Civil Procedure Code, praying against the judgment and decree dated 27.01.2003 and made in A.S.No.169 of 1998 on the file of VI Additional Judge, City Civil Court, Chennai, reversing the Judgment and decree dated 06.03.1997 made in O.S.No.1833 of 1991 on the file of VII Assistant Judge, City Civil Court, Chennai.

S.A.No.1030 of 2005:

PRAYER: This Second Appeal are filed under Section 100 of Civil Procedure Code, praying to set aside the judgment and decree dated 27.01.2003 and made in A.S.No.169 of 1998 on the file of the learned VI Additional Judge, City Civil Court, Chennai, confirming the Judgment and decree dated 06.03.1997 made in O.S.No.1833 of 1991 on the file of the learned VII Assistant Judge, City Civil Court, Chennai in so far as it relates to refusal of relief of permanent injunction.

S.A.No.1644 of 2004:

For Appellants : Mr.R.Balachander  
For Respondent : Mr.AR.L.Sundaresan  
for Mrs.AL.Gandhimathi

S.A.No.1030 of 2005:

For Appellant : Mr.AR.L.Sundaresan  
for Mrs.AL.Gandhimathi  
For Respondents: Mr.R.Balachander

#### C O M M O N J U D G E M E N T

The learned counsel appearing for the appellant in S.A.No.1644 of 2004 and respondent in S.A.No.1030 of 2005 would submit that pursuant to the order passed by the Appellate Court, which is the subject matter of these two Second Appeals, several developments has taken, wherein the landlord who are the Appellants in S.A.No.1644 of 2004 has taken delivery of the suit properties. In these two Second Appeals renewal of the lease period for further period of 20 years and permission to claim fair rent is under challenge. The renewed lease period expired as early as 2007. Fair rent proceedings had culminated in eviction. So, both on facts as well as law, nothing survives in these two Second Appeals.

2. Accordingly, both the Second Appeals are disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bsm

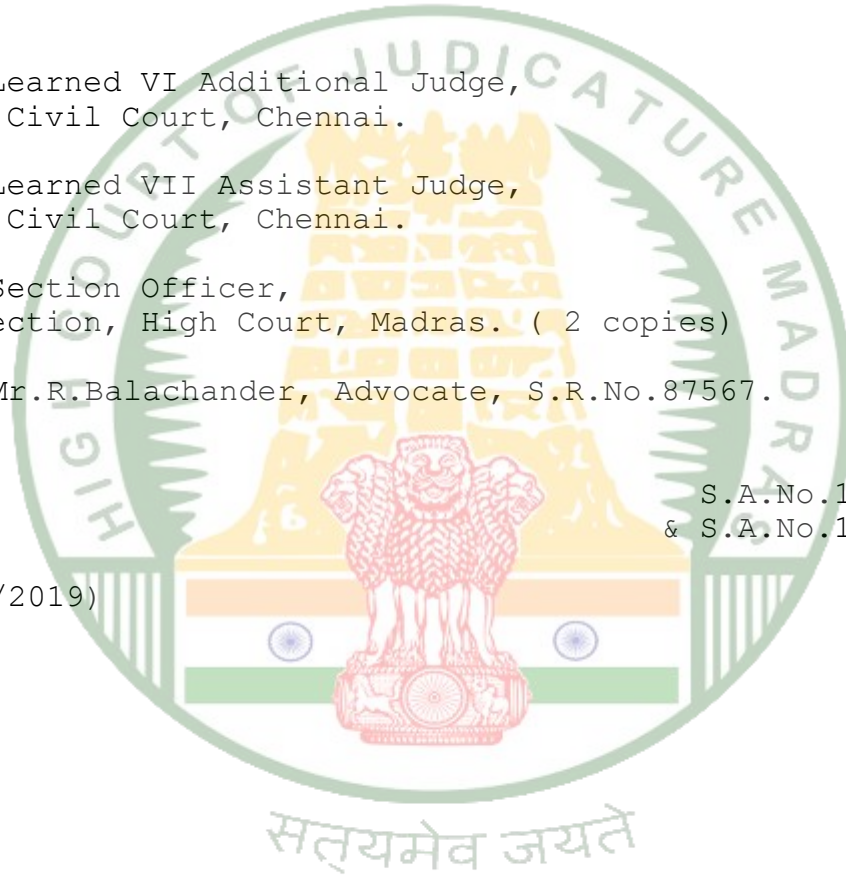
To

1. The Learned VI Additional Judge,  
City Civil Court, Chennai.
2. The Learned VII Assistant Judge,  
City Civil Court, Chennai.
3. The Section Officer,  
VR Section, High Court, Madras. ( 2 copies)

+1 cc to Mr.R.Balachander, Advocate, S.R.No.87567.

S.A.No.1644 of 2004  
& S.A.No.1030 of 2005

AK(CO)  
SSM(21/01/2019)



WEB COPY