

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1217 of 1998

Rojambal Ammal

... Appellant/Plaintiff

Vs.

1. Mohanammal (deceased)
2. R.C.Ramamoorthy
3. R.C.Gangadaran
4. R.C.Karunakaran
5. R.C.Siva

(RR2 to 5 brought on record as Lrs of the deceased
sole respondent vide order dated 08.03.2018 in
CMP.Nos.739 to 741/2011 in S.A.1217/1998)

(R4 is given up vide order
dated 27.03.2018 made in SA.1217/1998)

... Respondents

Prayer:

Second Appeal filed under Section 100 of C.P.C. against
the judgment and decree passed by the learned Subordinate Judge,
Tiruvallur in A.S.No.102 of 1989 dated 27.11.1995 confirming the
judgment and decree passed by the learned District Munsiff,
Tiruvallur in O.S.No.726 of 1982 dated 07.08.1987.

For Appellant : Mr.R.Rajasekar

For Respondents: Mr.K.Surendranath

For RR2, 3 & 5

R4-Not ready in notice

J U D G M E N T

The plaintiff is the appellant, who lost the case
before both the Courts below has come forward with this second
appeal.

2. The plaintiff/appellant filed two suits in
O.S.No.314 of 1982 and O.S.No.726 of 1982 for bare injunction.
Both the suits are tried together. After trial, the said suits
were dismissed. As against the decree passed in O.S.No.314 of
1982 the plaintiff filed CRP.No.3995 of 1987 before this Court.
This Court, after hearing the parties, has dismissed the CRP

holding that the plaintiff is not in possession of the property and the possession vest with the defendant. Accordingly, the First Appellate Court has also confirmed the decree passed by the lower Court in O.S.No.726 of 1982. As against the Appellate Court decision, the present Second Appeal has been filed.

3. Mr.Rajasekar, the learned counsel appearing for the appellant would submit that in view of the decision taken by this Court in CRP.No.3995 of 1987, the appeal has become infructuous since this Court clearly held that the possession vests with the defendant, thereby nothing survives in this Second Appeal.

4. Accordingly, the second appeal is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kmi

To

1.The Subordinate Judge, Tiruvallur.

2.The District Munsiff, Tiruvallur.

COPY TO

The Section Officer, V.R. Section, High Court, Madras.(2 copies)

+1cc to Mr.K.SUDRENDRANTH, Advocate, S.R.No. 17688

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TR(23/07/2018)

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