

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.411 of 1997

1.Kattukkanooran Veedu Muruga Goundar
2.Kattukanooran Veedu Subramani
3.Kattukanooran Veedu Palani
4.Kattukanooran Veedu Annamalai
5.Kattukanooran Veedu Kannan

... Appellants

Versus

1.Manickammal
2.Kannappan (deceased)
3.Sundaravelu (deceased)
4.Ramakrishnan (deceased)
5.Malliga
6.Ponniammal
7.Kamala
8.Ganesan
9.Rani
10.Elumalai

[R6 to R10 brought on record as LR's of the deceased 2nd respondent vide order of Court dt.28.03.2018 made in CMP.No.13894 to 13896 of 2017 in SA.No.411 of 1997]

11.Hamsa
12.Pugalandhi
13.Karthi

[R11 to 13 brought on record as LR's of the deceased 4th respondent viz., Ramakrishnan vide order of Court dt.28.03.2018 made in CMP.No.13900 to 13902 of 2017 in SA.No.411 of 1997]

14.Saitu
15.Seenivasan
16.Sathasivam
17.Rajamani
18.Selvi

... Respondents

[R14 to 18 brought on record as LR's of the deceased 3rd respondent vide order of Court dt.28.03.2018 made in CMP.No.13897 to 13899 of 2017 in SA.No.411 of 1997]

This Second Appeal has been filed under Section 100 of C.P.C., against the Judgment and decree dated 07.10.1996 in A.S.No.110 of 1993 on the file of the Principal District Judge, North Arcot Ambedkar District, Vellore and reversing the

Judgment and decree dated 23.02.1993 passed in O.S.No.666 of 1988 on the file of the District Munsif Court, Vellore.

For Appellants : Mr.R.Sunilkumar

For Respondents : M/s.P.Veena Suresh (for R7 to 13)

J U D G M E N T

The learned counsel appearing for the respondents/Plaintiffs and fourth defendant submitted that O.S.No.666 of 1988 was filed for declaration and recovery of possession and the same was dismissed by the Trial Court and in A.S.No.110 of 1993, filed by the Plaintiffs, the appeal was allowed and the same was decreed, as against the same, the Second Appeal is filed by the defendants 1 to 3, 5 & 6, which pending before this Court.

2.After perusing the records, it is seen that there is no stay as on date and the plaintiffs have filed an Execution Petition No.69 of 2017 before the Additional District Munsif Court, Vellore and possession was given on 20.06.2018, which is evident from the Execution Petition proceedings as recorded on 25.06.2018.

3.Learned counsel for the appellants/Defendants 1 to 3, 5 & 6 submitted that he has not received any written instructions from their clients, to show that the possession was taken by the Plaintiffs.

4.After perusing the EP.No.69 of 2017 in O.S.No.666 of 1988 as noted above, this Court finds that nothing survives in this Second Appeal. Accordingly, the Second Appeal is dismissed as having become infructuous. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

klr

To

1.The Principal District Judge,
North Arcot Ambedkar District, Vellore.

2.The District Munsif Court,
Vellore.

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3.The Section,
V.R.Section,
High Court, Madras.

S.A.No.411 of 1997

VSN II (CO)

RRS (22/07/2019)



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