

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

C.R.P.No.3766 of 2001 and S.A.No.1598 of 2000

T.V.Rangan .. Petitioner in C.R.P. and Appellant in S.A.

Vs.

Arulmighu Vadaveethi  
Subramaniya Swamy and  
Thondar Temple,  
Tiruvannamalai,  
Rep. by its Executive Officer.

.. Respondent in both C.R.P. and S.A.

Civil Revision Petition filed under Section 115 CPC against the order dated 31.08.2000 in C.M.A.No.19 of 1999 on the file of the Principal District Court, Tiruvannamalai, reversing the fair and decretal order dated 18.06.1999 in I.A.No.51 of 1998 in O.S.No.283 of 1997 on the file of the Principal District Munsif Court, Tiruvannamalai.

Second Appeal filed under Section 100 CPC against the judgment and decree dated 31.08.2000 in A.S.No.128 of 1999 on the file of the Principal District Court, Tiruvannamalai, reversing the judgment and decree dated 18.06.1999 in O.S.No.283 of 1997 on the file of the Principal District Munsif Court, Tiruvannamalai.

For petitioner in CRP and appellant in S.A. : Mr.M.A.Abdul Wahab

For respondent in both CRP & SA : Mr.R.Swaminathan

COMMON JUDGMENT

When the Civil Revision Petition and Second Appeal are taken up for consideration, the learned counsel for the appellant in S.A.No.1598 of 2000, has filed a Memo, dated 06.12.2019, stating as follows:

"It is submitted that the above S.A.No.1598 of 2000 filed by the Appellant before this Hon'ble Court against the judgment and decree dated 31.08.2000 against A.S.No.128 of 1999 on the file of the Court of the Principal District Judge, Tiruvannamalai.

It is submitted that originally the Appellant was the tenant of the lands belonging to the Respondent Temple from 01.01.1970 onwards. The Appellant put up superstructure on the land and was running a car mechanic shop. On behalf of

the Respondent Temple, a suit O.S.No.283 of 1997 was filed for eviction of the Appellant from the lands belonging to the Respondent Temple. Pending suit, the Appellant filed I.A.No.551 of 1998 under Section 9(a) of the City Tenancy Protection Act for purchase of the said land. The above said I.A. was allowed by the Lower Court granting the right to the Appellant to purchase the lands and directed to deposit the amount @ Rs.160/- per sq.ft., for purchase of the lands. As per the directions of the Lower Court deposited a sum of Rs.1,41,440/- on 09.09.1995 and Rs.1,41,440/- deposited on 15.12.1995, totalling a sum of Rs.2,82,880/- in the Civil Court Deposit (CCD). The above suit was later on dismissed and the First Regular Appeal A.S.No.128 of 1999 filed by the Respondent Temple was allowed by a judgment and decree dated 21.08.2000, reversing the judgment and decree of the Trial Court and ordered recovery of possession. Aggrieved with the said judgment and decree, the above Second Appeal was filed by the Appellant before this Hon'ble Court.

Pending the above Second Appeal, the Appellant and Respondent have come to an amicable settlement and the Appellant vacated the premises and handed over vacant possession of the lands along with the superstructure put up by the Appellant with water and electricity service connections to the Respondent Temple.

It is therefore prayed that this Hon'ble Court may be pleased to permit the Appellant to withdraw the above S.A.No.1598 of 2000 and thus render justice.

It is therefore further prayed that this Hon'ble Court may be pleased to issue direction to the Trial Court to return the sum of Rs.1,41,440/- deposited on 09.09.1995 and Rs.1,41,440/- deposited on 15.12.1995, totalling Rs.2,82,880/-, in the Civil Court Deposit (CCD) with accrued interest to the Appellant and thus render justice."

2. The learned counsel for the appellant/revision petitioner submitted that there is an amicable settlement arrived at between the parties, pursuant to which, the appellant/revision petitioner vacated the premises in question and handed over the property along with superstructure put up by the appellant with water and electricity service connections, to the respondent-Temple.

3. Thus, the learned counsel for the appellant/revision petitioner prayed that the Second Appeal and the Civil Revision petition may be dismissed as withdrawn and he made an endorsement to that effect in the grounds of appeal and also on the revision petition.

4. The learned counsel for the appellant prayed that the amount lying in the Civil Court deposit before the trial Court, as prayed for in the above Memo, may be permitted to be withdrawn with accrued interest to the appellant.

5. Since the parties have settled the dispute between themselves, the trial Court is directed to refund the Civil Court deposit amount to the appellant, and if the Civil Court deposit amount is lying in any Fixed Deposit scheme, then the same shall be returned by the trial Court with the accrued interest. If the amount is not in any Fixed Deposit scheme, only the deposited amount of Rs.2,82,880/- (as stated in the above Memo) shall be returned to the appellant.

6. With the above direction, the Civil Revision Petition and Second Appeal are dismissed as withdrawn. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge, Tiruvannamalai.
2. The Principal District Munsif, Tiruvannamalai.
3. The Section Officer,  
V.R. Section, High Court, Madras.
4. Arulmighu Vadaveethi  
Subramaniya Swamy and  
Thondar Temple,  
Tiruvannamalai,  
Rep. by its Executive Officer.

C.R.P.No.3766 of 2001  
and  
S.A.No.1598 of 2000

RGN(CO)  
GN(12/02/2020)