

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

S.A.No.982 of 2008

M.Palanisamy

... Appellant/Appellant/Defendant

versus

1. M.Ramalingam

2. A.Inbaraj ... Respondents/Respondents/Plaintiffs

(R2 impleaded vide Order of
Court dated 19.06.2019

made in C.M.P.No.1158 of 2019

in S.A.No.982/2008 (NSSJ)).

Prayer: Second Appeal is filed under Section 100 of code of Civil Procedure against the judgment and decree dated 04.04.2008 in A.S.No.30 of 2005 on the file of I Additional District Judge, Coimbatore, confirming the judgment and decree dated 30.09.2004 in O.S.No.216 of 1998 on the file of the Subordinate Judge, Tirupur.

For Appellant : M/s.A.L.Gandhimathi

For Respondents: Mr.S.Kaithamalai Kumaran [R1]

Mr.V.G.Suresh Kumar [R2]

JUDGMENT

The defendant is the appellant in this case. Both sides made a joint statement that the suit is laid for specific performance and the suit came to be decreed. Pursuant to the decree, the plaintiff had deposited the balance sale consideration in the Court.

2. Be that as it may, the defendant had preferred First Appeal which came to be dismissed. Challenging the same, the present appeal is preferred by the defendant.

3. During the pendency of the second appeal, the 2nd respondent herein had purchased the property after settling the claims of the 1st respondent/plaintiff. Consequent to this purchase, the 2nd respondent got impleaded in this appeal. Since the matter is settled, nothing survives in this appeal. It was also agreed

between the parties that the amount deposited in the Court by the plaintiff / 1st respondent be received by him.

4. In terms of the endorsement made, this appeal is allowed and the judgment and decree of the I Additional District Judge, Coimbatore, dated 04.04.2008 in A.S.No.30 of 2005 is set aside. The plaintiff would be at liberty to withdraw the amount in the Court deposit. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

ssn

To

1. I Additional District Judge,
Coimbatore.

2. The Subordinate Judge,
Tirupur.

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

+1cc to Mrs.A.L.Gandhimathi, Advocate SR.No.57747

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.No.57966

+1cc to Mr.V.G.Suresh Kumar, Advocate SR.No.58481

सत्यमेव जयते

S.A.No.982 of 2008

PM(CO)
GMY(15/11/2019)

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