

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.167 of 2013

1.The Managing Director,
Tamil Nadu Housing Board,
Head Office,
Chennai.

2.The Manager,
Tamil Nadu Housing Board (Sales and Service),
having office at Ayanthirumaligai,
Salem - 8.

...Appellants/Respondents/
/Defendants

Vs.

P. Jhansi

...Respondent/Appellant/
Plaintiff

PRAYER:- Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 12.03.2012 made in A.S.No.42 of 2011 on the file of the learned Principal Subordinate Judge, Salem, reversing the Judgment and Decree dated 28.06.2010 made in O.S.No.907 of 2008 on the file of the learned Principal District Munsif, Salem.

For Appellants : Mr.R. Jayaseelan

For Respondent : Ms. Elizabeth Ravi

JUDGMENT

The above Second Appeal is filed challenging the Judgment and Decree passed by the learned Principal Subordinate Judge, Salem, in A.S.No.42 of 2011 in and by which the learned Judge had reversed the Judgment and Decree passed by the learned Principal District Munsif, Salem, in O.S.No.907 of 2008.

2.The suit O.S.No.907 of 2008 was filed by the respondent/plaintiff for the following relief:

"(a)to declare that the Letter No.R8/7272/00,
dated 28.05.2008 is null and void,

(b)to grant permanent injunction in favour of the plaintiff directing the 2nd defendant not to disturb peaceful possession and enjoyment by the plaintiff relating to suit property till the disposal of the suit."

3.The case of the plaintiff was that the entire amount due for the purchase of the suit property from the respondents/Housing Board had been cleared on 27.03.2002 and the plaintiff was entitled to have the Sale Deed executed in her favour. However, when they had approached the appellants/Board, a letter dated 28.05.2008 was issued to them wherein the Board would state that the further amount is due from the plaintiff. Challenging the said communication, the suit had been filed.

4.The respondents/Board had filed their written statement refuting the claims made by the plaintiff. The trial Court, namely, the learned Principal District Munsif, Salem, had dismissed the suit and challenging the said Judgment and Decree, the appeal has been preferred by the plaintiff in A.S.No.42 of 2011 on the file of the learned Principal Subordinate Judge, Salem. The learned Judge has reversed the Judgment and Decree of the trial Court and in the Judgment, had deprecated the stand of the appellants/Board. The said Judgment and Decree is the subject matter of this appeal before this Court.

5.Today, when the matter was posted for final arguments, Mr.R. Jayaseelan, learned counsel for the appellants/Board has produced an Office Order No.Othu.I.6/8697/2009, dated 21.02.2019, stating that no amounts were due from the respondent/plaintiff and that since the interest has been waived and they should have executed the Sale Deed on or before 31.03.2020. This Statement of Accounts has been annexed in the Office Order which was taken on file. In view of the above, nothing survives for consideration in the above appeal and the Second Appeal is dismissed as infructuous.

While dismissing the Second Appeal, this Court also directs the appellants/Housing Board to execute the Sale Deed in favour of the respondent/plaintiff as expeditiously as possible, when the order of this Court is produced by the plaintiff along with formal request for the Sale Deed executed. No costs.

mps

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Salem.

2.The Principal District Munsif,
Salem.

+1cc to Mr.Elizabeth Ravi, Advocate, SR.No.59351

+1cc to Mr.R.Jayaseelan, Advocate, SR.No.59039

S.A.No.167 of 2013

Kak(30/07/2019)