



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

A.S (MD)No.42 of 2019

and

C.M.P (MD)Nos.5613, 10185 and 10186 of 2019

R.Ramani .. Appellant /Defendant

Vs.

R.Tamilvanan .. Respondent /Plaintiff

PRAYER: Appeal Suit filed under Section 96 of the Code of Civil Procedure, 1908 against the Judgment and decree dated 02.01.2019 passed in Original Suit No.53 of 2016 by the Principal District and Sessions Court, Theni.

For Appellant : Mr.C.Jeganathan
for M/s.Veera Associates

For Respondent : Mr.C.Godwin

JUDGMENT

The Judgment and decree passed in O.S.No.53 of 2016 by the Principal District and Sessions Court, Theni, are being challenged in the present appeal.

2.The respondent / plaintiff filed the suit in O.S.No.53 of 2016 for the reliefs of declaration and recovery of possession in respect of the suit property. The Trial Court decreed the suit. Against which, the appellant / defendant has filed this appeal.

3.The learned counsel appearing for the appellant / defendant has filed an undertaking affidavit of the appellant / defendant, dated 28.11.2019, wherein it is stated that he undertakes to hand over the possession of the suit property to the respondent / plaintiff within a period of six months from today and he is not proceeding with this appeal further.

4.The learned counsel for the respondent / plaintiff has no objection for the same.

5.Recording the undertaking affidavit filed on the side of the appellant / defendant, this Appeal Suit is dismissed with a



direction to the appellant / defendant to vacate the suit property and hand over possession to the respondent / plaintiff within a period of six months from today. The undertaking affidavit filed by the appellant / defendant shall form part of the decree. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Encl: Xerox copy of Undertaking Affidavit

To

1.The Principal District and Sessions Judge,
Theni.

2.The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.GODWIN, Advocate (SR-102587[F] dated 29/11/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-102874[F] dated 02/12/2019)

**JUDGMENT MADE IN
A.S (MD) No.42 of 2019
29.11.2019**

VB(10.01.2020) 2P 6C