

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Second Appeal No.1305 of 2010 and
M.P.No.1 of 2010

Krishnaveni

... Appellant

Vs

Arulmighu Kapaleeswarar Devasthanam
rep. by its Executive Officer Having office at
Arulmighu Kapaleeswarar Temple,
Mylapore, Chennai - 4.

... Respondent

SECOND APPEAL filed under Section 100 of the Code of Civil Procedure to set aside the Judgment and Decree passed by the Learned Addl.District and Sessions Judge, Fast Track Court No.III, City Civil Court, Chennai in A.S.No.241 of 2006 dated 27.09.1997, which was filed against the fair and decreetal passed in E.A.No.798 of 2003 in E.P.No.1783 of 2000 in O.S.No.10019 of 1989 on the file of IX Asst. Judge, City Civil Court, Chennai dated 07.10.2004 and allow the above Second Appeal

For Appellant : No Appearance

For Respondent : Mr.N.Varadharajan

J U D G M E N T

There is no representation for the appellant. The suit in O.S.No.10019 of 1989 was filed by Arulmighu Kapaleeswarar Devasthanam represented by its Executive Officer, Chennai - 4 seeking possession of the suit schedule property against one Anuradhadevi, Proprietor, Lakshmi Films Combines and the same was allowed and the appellant was directed to give possession on 11.05.1994. Thereafter, Execution Petition was filed and when the same is pending, the respondent had filed E.A.No.798 of 2003

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to remove the obstructor and the same was allowed by an order dated 07.10.2004. Again, the appellant has filed this Appeal before this Court in the year 2010.

2. Now, the learned counsel for the respondent submitted that the possession is already taken by the temple authorities on 11.12.2011. Hence he submits that nothing survives for adjudication and he has also filed a memo to the following effect:

'The respondent Temple has taken possession of the suit property in E.P.No.1783 of 2000 in O.S.No.10019 of 1989 on the file of the IX Assistant Judge, City Civil Court, Chennai on 11.12.2011 and the E.P. stands closed and there is no further proceedings taken by the appellant herein.'

Considering the submission made by the learned counsel for the respondent and taking into consideration the memo dated 13.08.2020 filed by the respondent, this Second Appeal is dismissed as infructuous. The memo dated 13.08.2020 filed by the respondent / temple shall form part and parcel of the record. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1.The learned Addl.District and Sessions Judge,
Fast Track Court No.III, City Civil Court,
Chennai.

2.The learned IX Asst. Judge, City Civil Court,
Chennai.

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