

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.1025 of 2007
and
M.P.Nos.1 and 2 of 2007

K.Balaraman

...Appellant

Vs

Saroja

...Respondent

PRAYER: Second Appeal is filed under Section 100 of CPC praying to prefer this Memorandum of Second Appeal as against the Judgment and Decree dated 24.01.2007 made in A.S.No.712 of 2005 on the file of the Additional District & Sessions Judge, (Fast Track Court-4) at Chennai, confirming the judgment and decree dated 31.03.2005 made in O.S.No.1250 of 1996 on the file of the III Assistant Judge, City Civil Court at Chennai.

For Appellant : Mr. P. Sukumar

For Respondent : Mr. V. Ragupathy

Judgment

The above Second Appeal is filed by the appellant for a bare injunction restraining the defendant from interfering with his possession and enjoyment of the suit schedule property.

2. The fact remains that on 07.11.1995, the appellant was allotted the suit schedule property under Ex.A.11. The same was cancelled by the orders dated 20.2.1996 of the Chairman, Tamil Nadu Slum Clearance Board. However thereafter the same was restored by orders of the Director of the Tamil Nadu Slum Clearance Board by his order dated 30.05.2007. This was

challenged by the defendant by filing W.P.No.34147 of 2007 and the said Writ Petition was allowed on 06.08.2012 setting aside the orders of the Director of Tamil Nadu Slum Clearance Board dated 30.5.2007. This order was challenged by the appellant before this Court in WA.No.298 of 2013 and the same is pending.

3. Considering the fact that the relief in the suit is relating to the title of the suit schedule property, which has to be finally decided in the Writ Appeal No. 298 of 2013, nothing survives for proceeding further in the Second Appeal at present and therefore the Second Appeal is dismissed, subject to the result in WA.No.298 of 2013. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

To,

1.The Additional District & Sessions Judge,
Fast Track Court-4),
Chennai,

2.The III Assistant Judge,
City Civil Court,
Chennai.

+lcc to Mr.P.Sukumar, Advocate, S.R.No.20512

+lcc to Mr.V.Raghupathi, Advocate, S.R.No.20558

S.A.No.1025 of 2007

and

M.P.Nos.1 and 2 of 2007

LN(CO)
KKV/12/06/2020

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