

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.G.K.ILANTHIRAIYAN

S.A.No. 557 of 2005

Sri Kapaleeswarar Temple,
Rep. By its Executive Officer,
Mylapore, Chennai -600 004. ...Appellant/Respondent/Plaintiff

Vs.

Rajaram and Company
by its Proprietor, A.G.Ayyasamy (Deceased),
1.A.Jayalakshmi
2.A.Rajaraman
3.T.Raja Rajeswari
4.A.Anantharaman Ayyasamy
5.A.Ananthasayanam ...Respondents/Appellants/Defendants

Prayer: Second Appeal filed under Section. 100 of C.P.C. against the judgment and decree dated 30.01.2003 passed in A.S.No. 226 of 2001 on the file of the VII - Additional Judge, City Civil Court, Chennai dated 30.01.2003 in A.S.No. 226 of 2001 setting aside the judgment and decree of the learned First Assistant Judge, City Civil Court, Chennai dated 23.02.2001 in O.S.No. 2849 of 1986.

For Appellant : Mrs. Usha Tholgappian

For Respondents : Mr.K.Bijai Sundar for R1
R2 to R5 - Not ready in notice.

J U D G M E N T

This appeal has been preferred as against the judgment and decree dated 30.01.2003 passed in A.S.No. 226 of 2001 on the file of the VII - Additional Judge, City Civil Court, Chennai dated 30.01.2003 in A.S.No. 226 of 2001 setting aside the judgment and decree of the learned First Assistant Judge, City Civil Court, Chennai dated 23.02.2001 in O.S.No. 2849 of 1986.

2. The suit is filed for recovery of possession. The plaintiff is the temple, who is the appellant herein. Considering the submissions of the counsel on either side, the

Trial Court decreed the suit as prayed for. Aggrieved by the same, the defendants filed an appeal suit and the First Appellate Court reversed the findings of the Trial Court and dismissed the suit filed by the plaintiff. Aggrieved by the same, the plaintiff filed this second appeal.

3. Heard Mrs. Usha Tholgappian, learned counsel appearing for the appellant and Mr.K.Bijai Sundar, learned counsel appearing for the first respondent.

4. The learned counsel appearing for the appellant as well as the defendants submitted that now the possession of the suit property also handed over to the plaintiff and also a sum of Rs.22,545/- returned to the plaintiff. However, the learned counsel appearing for the appellant submitted that as per the new government order, rent has been enhanced and the plaintiff seeks liberty to take appropriate steps to recover the arrears of rent as per the new government order. Accordingly, nothing survives in this second appeal. No costs.

5. Recording the above submission, this second appeal is closed. However, the plaintiff is always at liberty to recover any arrears of rent, if any in accordance with law.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

kkn

To:-

1.The VII - Additional Judge, City Civil Court, Chennai.

2.The learned First Assistant Judge, City Civil Court, Chennai.

3. The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.K.Bijai Sundar, Advocate SR.No.3839

+1cc to Mr.Mrs. Usha Tholgappian, Advocate SR.No.4934

S.A.No. 557 of 2005

SSV(CO)

GMV(27/07/2020)