

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

S.A.No.929 of 2014

Ponnusamy

.. Appellant/Defendant

Versus

Singaravelu

.. Respondent/Plaintiff

Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree of the Sub Court, Kallakurichi in A.S.No.7 of 2010, dated 29.03.2011, confirming the Judgment and Decree of the Principal District Munsif, Kallakurichi in O.S.No.604 of 2005, dated 28.10.2009.

For Appellant : Mr.V.Raghavachari

For Respondent : Mr.R.Sunil Kumar

JUDGMENT

This appeal is directed against the Judgment and Decree of the Sub Court, Kallakurichi passed in A.S.No.7 of 2010, confirming the Judgment and Decree of the Principal District Munsif, Kallakurichi in O.S.No.604 of 2005.

2. The suit was filed by the respondent/plaintiff for recovery of possession of the suit property. The title of the respondent herein was decided in the earlier round of litigation in O.S.No.430 of 1985. Pursuant thereto, the present suit was filed. Both the Courts below have held that the plaintiff is entitled for recovery of possession.

3. When the matter was taken up for hearing, Mr.R.Sunilkumar, learned counsel for the respondent submitted that in E.P.No.39 of 2010, the respondent / plaintiff has taken delivery of possession of the suit property on 19.01.2013. The proceedings in Execution Petition No.39 of 2010 was placed in support of the said contention.

4. In the light of the above facts, in my considered opinion, nothing survives for consideration in this appeal. In fine, the Second Appeal fails and the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Kallakurichi.

2. The Principal District Munsif,
Kallakurichi.

Copy to:

The Section Officer,
VR Section, High Court,
Madras-104.

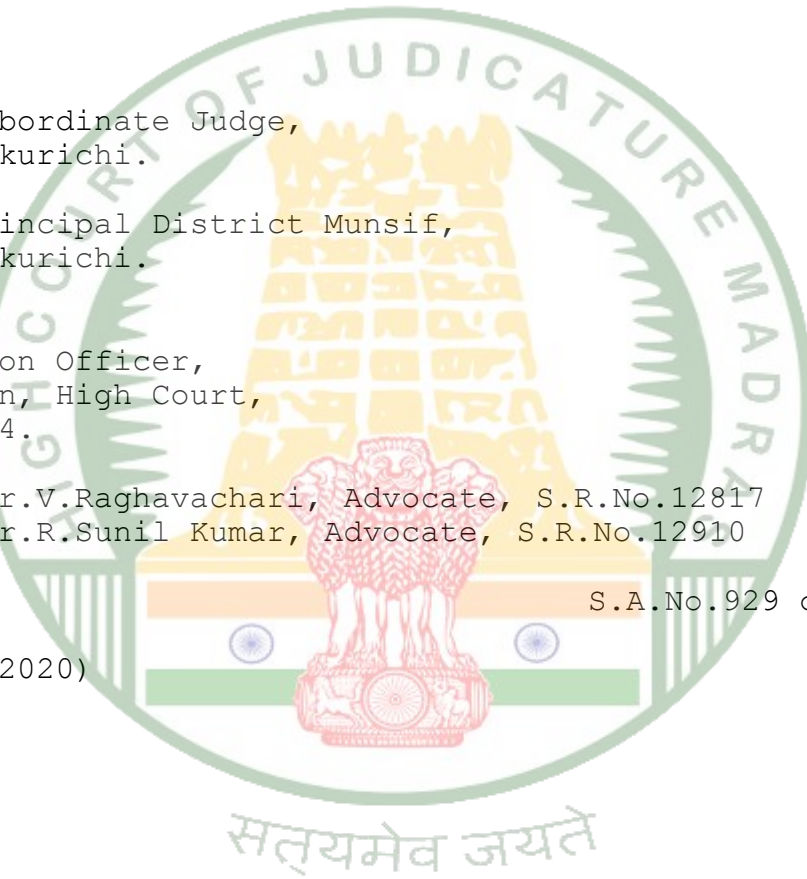
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.12817

+1cc to Mr.R.Sunil Kumar, Advocate, S.R.No.12910

S.A.No.929 of 2014

VGII(CO)

CB(27/08/2020)



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