



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

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Tuesday, the Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

SA(MD). No.27 of 2017

V.IRUDHAYARAJA, ... Appellant/Appellant /1st Defendant

Vs

1 THE PROCURATOR OF SOCIETY OF
ST.MARYS EAST VELI ST., MADURAI.
...1st Respondent /1st Respondent /Plaintiff

2 I.PETER, ... 2nd Respondent/2nd Respondent/2nd Defendant

Prayer:- Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the dated 29.04.2016 made in Appeal Suit No.18 of 2015 on the file of the Principal District Court Madurai confirming the judgment and decree dated 09.01.2015 in O. S. No.457 of 2011 on the file of the Principal Sub Court, Madurai

DECREE:- This Second Appeal coming on for hearing under the provisions of Rule II of Order XLI of Schedule I of the Code of Civil Procedure 1908, upon perusing the Grounds of Appeal and the judgments and decrees of the Lower Appellate Court and the Court of First Instance and upon hearing the arguments of MR.M.VALLINAYAGAM, Senior Counsel for Mr.D.Sadiq Raja, Advocate for the Appellant, and of Mr.Manohar Advocate for the first respondent it is ordered and decreed

1)that this Second Appeal be and hearby is dismissed.

2)That the appellant is granted time till 30th september 2021 to vacate and hand over vacant possession of the property to the first respondent.

3) That the appellant shall also pay a rent of Rs.75,000/- (Rupees Seventy five thousand only) per month with effect from 30.09.2020 till he surrenders vacant possession.



4)That the enhanced rent for the months of january and february 2020, will have to be paid on or before 10th February 2020 and rent for the future period shall be paid on or before 10th of every succeeding month without any default.

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5)That the appellant shall also file an affidavit undertaking to pay a sum of Rs.75,000/- as monthly rent with effect from January 2020 and also undertaking to vacate and hand over vacant possession by 30.09.2021, Affidavit shall be filed on or before 27.02.2020 failing which, it will be open to the first respondent to execute the decree, as if no time has been granted by this Court.

6)That the admitted amount of security deposit, lying with the first respondent, shall be repaid to the appellant upon surrendering vacant possession.

7)That there be no costs in this appeal.

Schedule of Property :-

"Madurai Town New Mahalipatti Road, Door No.LC-26 Present Ward No.45,T.S.No.55 St Mary's Car Shed Iyola Shopping complex,measuring 33,280 Sq.Ft."

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1.The Principal District Court, Madurai
- 2.The file of the Principal Sub Court, Madurai

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-849 dated 08/01/2020)

+1 CC to M/s.S.MANO HAR, Advocate (SR-1047 dated 09/01/2020)

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SA(MD). No.27 of 2017

ORDER DATED : 07/01/2020

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DECREE

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SA(MD) . No.27 of 2017

Nature of Decree:- Dismissing the Second Appeal preferred against the judgment and decree dated 29.04.2016 made in Appeal Suit No.18 of 2015 on the file of the Principal District Court Madurai confirming the judgment and decree dated 09.01.2015 in O. S. No.457 of 2011 on the file of the Principal Sub Court, Madurai etc., as stated within.

KK/SAR/03.02.2020/3P-7C/