



IN THE HIGH COURT OF JUDICATURE AT MADRAS

13.08.2021

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THE HONOURABLE MS.JUSTICE P.T. ASHA

S.A.No.469 of 2021 &
CMP. No.9066 of 2021

R.C.Thiyagarajan

..Appellant/Defendant in
Trial Court

Vs.

1. A.Baby
2. A.Mangaiyarkarasi
3. A.Bhuvaneswari

...Respondents/Plaintiff
4, 2 and 3 in Trial Court

PRAYER: Second Appeal filed under section 100 of the Civil Procedure Code against the Judgement and Decree dated 16.12.2019 passed in A.S.No.89 of 2019 on the file of the IV Additional District and Sessions Judge, Coimbatore confirming the decree and judgment dated 13.12.2017 passed in O.S.No.734 of 2016 by the III Additional Subordinate Judge, Coimbatore.

For Appellant : M/sR.Nalliappan

JUDGMENT

This second appeal arises out of a common judgment passed in two suits. The first suit was O.S.No.719 of 2015 which was filed by the appellant before the Court for specific performance. O.S.No.734 of 2016 was filed by the respondents against the appellant herein for a declaration that the sale agreement dated 28.10.2004 is null and void and for consequential injunction.

2.The suit filed by the appellant herein viz., O.S.No.719 of 2015 for specific performance was dismissed and the suit filed by the respondent herein in O.S.No.734 of 2016 to declare the sale agreement as null and void was decreed. The appellant has preferred an appeal only against the judgment and decree in O.S.No.734 of 2016 filed by the respondent and has not been challenged the judgment and decree for dismissal of his suit for specific performance. The appellate Court has rightly dismissed the appeal filed by the appellant.



3. Considering the fact that the appellant has not challenged the judgment and decree for dismissal of his suit for specific performance and the same has attained finality, there is absolutely no merit in the Second Appeal and no substantial questions of law has been made out. Hence, the Second Appeal is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The III Additional Subordinate Judge,
Coimbatore.

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GPL(CO)
RGA(30/09/2021)