



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

S.A.No.34 of 2012

(Through Video Conferencing)

1.K.S.Jagadeesan

2.S.Shanmugha Sarojini ... 1st & 2nd Appellants/Defendants 3 & 4

3.M.Harikrishnan ... 3rd Appellant/Not a Party

Vs.

1.E.Uthamarayan ... Respondents 1 & 2 /Plaintiffs

2.Dillibai

3. Corporation of Chennai,
Rep. by Commissioner,
Ripon Buildings,
Chennai - 3.

4. Assistant Revenue Officer,
Zone VIII, Corporation of Madras,
Kodambakkam, Chennai.

... Respondents/Defendants 1 & 2

Second Appeal filed under Section 100 of Civil Procedure Code, 1908 against the Judgment and Decree of the learned Additional District Judge, Chennai (Fast Track Court No.I, Chennai) dated 30.06.2010 made in A.S.No.167 of 2004 set aside the Judgment and Decree of the learned XII Assistant Judge, City Civil Court, Chennai, dated 18.02.2004 made in O.S.No.2056 of 2006.

For Appellants : Mr.K.Azhagu Raman

For R1 & R2 : M/s.Gayatri
for Mr.P.B.Ramanujam

For R3 & R4 : Mr.M.Ganesan, Standing Counsel



J U D G M E N T

This case was heard at length. However, today, the learned counsel counsel for the appellants submits that the appellants have sold the property to the third party in the year 2003 and thereafter, the property appears to have been transferred in favour of the subsequent purchaser. It is submitted that the first appellant and the second respondent are no more.

2. It is contention of the learned counsel for the appellants that the appellants continued to the possession of the suit schedule property as was recorded in the Exhibit A11 Sale Agreement dated 04.07.1991. The appellants who are the buyers of the property have already transferred their rights of the property. According to them, the property is in possession of third party. The respondents however dispute the same. This is the disputed questions of fact and therefore, this Court is not inclined to pass any Judgment and Decree on the same.

3. Therefore, this Second Appeal is closed with liberty to the subsequent purchasers of the suit schedule property to work out their remedy in accordance with law. No costs.

Sd/-

Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

jen

To

1. The Additional District Judge,
Fast Track Court No.I, Chennai,
Chennai.
2. The XII Assitant Judge,
City Civil Court, Chennai
3. The Section Officer,
V.R. Section, Madras High Court.

+1CC to Mr.K.Azhaguraman, Advocate, Sr.No.31486
+1CC to Mr.M.Ganesan, Advocate, Sr.No.31799
+1CC to Mr.P.B.Ramanujam, Advocate, Sr.No.31614

S.A.No.34 of 2012

SJ (CO)

K.RK. (17.09.2021)