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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

S.A.NO.380 OF 2016

AND

C.M.P.NOS.1044 OF 2021 & 6708 OF 2016

P.J.Bhaskar,
S/o.Late P.B.Janardhanam

... Appellant

.Vs.

Pattuseliar Community, Madras,
Maintained by Pattuseliar Sangam,
Represented by its General Secretary
A.N.Janakiraman, S/o.Nagiah Chetty,
Having office at No.14, Mangamma Lane,
Seven Hills, Chennai - 600 001.

... Respondent

PRAYER:- Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 13.08.2014 made in A.S.No.41 of 2011 on the file of the Sub-ordinate Court, Ponneri and confirming the Judgment and Decree dated 29.10.2010 made in O.S.No.52 of 2001 on the file of the District Munsif Court, Thiruvottiyur.

For Appellant : Mr.Krishna Ravindran

For Respondent : Mr.P.V.Murlidhar

JUDGMENT

The second appeal has filed by the appellant/defendant against the Judgment and decree dated 13.08.2014 passed by the learned Sub-ordinate Judge, Ponneri in A.S.No.41 of 2011 confirming the Judgment and decree dated 29.10.2010 passed by the learned District Munsif, Thiruvottiyur in O.S.No.52 of 2001.

2. The appellant/defendant has filed an affidavit undertaking to vacate the premises on or before 31.12.2021. To that effect, Paragraph 3 of the affidavit reads as under:-

"3. I submit that the Respondent Society's Counsel has submitted before this Hon'ble Court



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that the Society proposes to demolish the existing building and reconstruct a new building in the said land. I state that I do not wish to obstruct thus noble cause and I am ready to vacate the premises on or before 31st December 2021. I further submit that the Respondent Society may give priority to the Appellant after construction of the new building, and offer on rent a portion of the building at the prevailing rate of rent offered for members of the community at the relevant time. The Respondent may be directed to withdraw the Execution Petition No.24 of 2017 and all proceedings may be closed in view of the orders passed in the present second appeal."

3. The learned counsel for the respondent/plaintiff has no objection to the request of the appellant/defendant as in Paragraph 3 of the above affidavit.

4. This Second Appeal therefore stands disposed in terms of the above affidavit. In view of disposal of the above second appeal, there is no necessity to pass any order in connected miscellaneous petitions. No costs.

* Xerox Copy of Affidavit filed by P.J.Bhaskar, dated 18/06/2021 is enclosed.

Sd/-
Deputy Registrar(Accounts)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Sub-ordinate Court,
Ponneri.
2. The District Munsif Court,
Thiruvottiyur.

+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.28843
+1cc to Mr.P.V.Murlidhar, Advocate, S.R.No.28943

S.A.NO.380 OF 2016

PP(CO)
PBS/22/10/2021