



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.S.A.NO.62 OF 2021

AND

C.M.P.NO.12296 OF 2021

Kandhasamy

... Petitioner

.Vs.

1. Girija

2. Dhanapal

... Respondents

PRAYER:-

This Appeal is filed under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 12.02.2021 passed in C.M.A.No.3 of 2018 on the file of Sub Court, Ulundurpet, confirming the fair and decreetal Orders dated 26.11.2015 passed in E.A.No.493 of 2013 in E.P.No.167 of 2011 in O.S.No.82 of 2011 before the Principal District Munsif Court, Ulundurpet.

For Petitioner : Mrs.R.Meenal

For Respondents : Mr.D.Ravichander
(for R1)

R2 - Notice Dispense with
dated 04.08.2021

JUDGMENT

The sole question of law that has been raised is as to whether the provisions of Order 21 Rule 97 of C.P.C. can be invoked by a person, who claims to be in possession of the property setting up independent title.



2. This question has been answered by the Hon'ble Supreme Court in Shreenath v. Rajesh reported in AIR 1998 SC 1827 to the effect that such an application is maintainable.

3. Since no other question of law has been raised, the appeal fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Sub Court,
Ulundurpet.
2. The Principal District Munsif Court,
Ulundurpet.
3. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

+1cc to Mrs.R.Meenal, Advocate, S.R.No.68183
+1cc to Mr.D.Ravichander, Advocate, S.R.No.67825

C.M.S.A.NO.62 OF 2021 AND
C.M.P.NO.12296 OF 2021

AD (CO)
PBS/07/02/2022