



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

A.S.(MD)No.103 of 2012 and

M.P.(MD)No.1 of 2012

WEB COPY

1. M.Sheik Farith Mohideen
2. M.Abdhul Rahman
3. Sulaima Nasima
4. Ajisal
5. Alimal Beevi

... Appellants/Defendants 2 to 6

Vs.

1. Muhammad Umare Farook
2. Muhammad Usman

... Respondents/Plaintiffs

Prayer: Appeal Suit filed under Section 96 of C.P.C., against the Judgment and Decree passed in O.S.No.68 of 2010 dated 12.07.2012 on the file of the fourth Additional District Court, Tirunelveli.

For Appellant : Mr.H.Arumugam

For Respondent : Mr.P.Thiyagarajan

J U D G M E N T

Heard the learned counsel on either side.

2. Defendants 2 to 6 are the appellants in this appeal. The respondents herein filed O.S.No.68 of 2010 on the file of the IV Additional District Court, Tirunelveli, for recovery of a sum of Rs.1,01,500/- from the defendants towards rental arrears. The said suit was decreed on 12.07.2012. Challenging the same, this first appeal came to be filed.

3. When the matter was taken up for hearing, it is submitted that the defence of the appellants was that the relationship of landlord and tenant no longer exists and that the appellants have right over the property in question under a sale agreement. The appellants filed suit for specific performance of the sale agreement. But then, the judgment and decree in the said suit went against the appellants and the same was confirmed right up to the Supreme Court.



4. Since the appellants' prayer for specific performance had been negatived, nothing may really survive for consideration. It is also stated that the appellants had already deposited the decretal amount before the trial Court. The Judgment passed by the trial Court is confirmed. This appeal suit is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The IV Additional District Judge,
Tirunelveli.

2. The Record Keeper-2 copies
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.THIYAGARAJAN, Advocate (SR-15737[F] dated 09/04/2021)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-16090[F] dated 16/04/2021)

A.S. (MD)No.103 of 2012
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