



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :12.02.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**S.A. (MD)Nos.450 & 452 of 2005**

**and C.M.P. (MD)Nos.3555 & 3557 of 2005**

**WEB COPY**

S.Fathimuthu ... Appellant in S.A.(MD)No.450/2005

S.Syed Mohammed ... Appellant in S.A.(MD)No.452/2005

**Vs.**

Dhakshinamara Nadar Sangam  
Tirunelveli Junction  
Rep.By its Secretary/Commissioner  
M.S.Arunachala Nadar ... Respondent in both S.As.

**PRAYER:** Second Appeal filed under Section 100 of Civil Procedure Code, against the decree and judgment dated 27.07.2004 rendered in A.S.Nos.215 and 207 of 2002 on the file of the First Additional Subordinate Judge, Madurai, reversing the decree and judgment dated 05.08.2002 rendered in O.S.Nos.2114 of 1996 and 1701 of 1993 on the file of the Principle District Munsif of Madurai Town.

For Appellants : Ms.P.Jessi Jeeva Priya  
(In both S.As)  
For Respondent : Mr.R.T.Arivukumar  
(In both S.As)

**COMMON JUDGMENT**

When the matters came up for hearing, the learned counsel appearing for the appellants submitted that the dispute between the parties has been settled and the Secretary of the respondent Sangam, viz., Dhakshinamara Nadar Sangam, has agreed to allot one shop to the appellant after construction of new building and he has produced a copy of the letter of the Secretary dated 17.12.2019.

2. The said letter of the Secretary of the respondent Sangam, dated 17.12.2019, is taken on record.

3. However, the learned counsel appearing for the respondent submitted that they have not issued such a letter. The said submission is recorded.

4. The learned counsel appearing for the appellant himself admitted that the matter is settled between the parties, this Court is of the view that the suit is filed for recovery of possession on



basis of the relationship of landlord and tenant and when the tenant submitted that the matter is settled, nothing survives for further adjudication in these appeals.

5. Hence, these Second Appeals are disposed of as settled out of Court. No costs. Consequently, connected miscellaneous petitions are closed. Refund of Court fee, if any, as per entitlement

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

**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 First Additional Subordinate Judge, Madurai,

2.The Principal District Munsif, Madurai Town.

3.The Section Officer,(2 COPIES)  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to MR.R.MANIMARAN, Advocate ( SR-5028[F] dated  
15/02/2021 )

+1cc to Mr. R.T. Arivu Kumar, Advocate Sr.No.5029

**S.A. (MD)Nos.450 & 452 of 2005**  
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**12.02.2021**

VB (30.03.2021) 2P 7C