



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

SA(MD)Nos.800 & 801 of 2014

and

MP(MD)Nos.2 & 2 of 2014

Ramakrishna Perumal

... Appellant/Respondent/Defendant
in both appeals

Vs.

1.Kottar Senguntha Mudaliar

Samudhaya Oor Vakai

Sri Sentra Thisai Vendra Vinayagar

Swamy Trust,

rep.by its Trustees P.Pazhaniyandi Mudaliar

2.M.Valliyanantham Mudaliar

3.P.Rajavel Mudaliar

4.S.Lekshmanan Mudaliar

5.R.Sivakumaran Mudaliar

6.S.Retnaswamy Mudaliar

7.P.Azhagesan Mudaliar

...Respondents 1 to 7/Appellants 1 to 7
Defendants 1 to 7/ in both

Second Appeal

8.Madasamy Mudaliar

...8th Respondent /2nd Respondent /
8th Defendant in SA(MD)800/2014

Common Prayer: Second Appeals are filed under Section 100 of Civil Procedure Code, to call for the records relating to the judgment and decree dated 28.01.2014 made in A.S No.86 of 2013 & 92 of 2013 on the file of the Principal Subordinate Court, Nagercoil reversing the judgment and decree dated 12.04.2013 made in O.S No.177 of 2006 & 413 of 2005, on the file of the Principal District Munsif Court, Nagercoil, set aside the same.

in both cases :

For Appellant : Mr.EVN.Siva

For Respondents : Mr.M.P.Senthil
R1 to R7

For 8th Respondent : No Appearance
in SA.800/2014



COMMON JUDGEMENT

The appellant in these two Second Appeals is one Ramakrishna Perumal. The first respondent in both the appeals is Kottar Senguntha Mudaliar Samudhaya Oor Vakai Sri Sentra Thisai Vendra Vinayagar Swamy Trust. The trust is the landlord while Ramakrishna Perumal is the tenant. O.S No.413 of 2005 was filed by the landlord along with others for recovery of possession and for recovery of rental arrears. O.S No.177 of 2006 was filed by the tenant seeking permission to deposit the monthly rent. Both the suits were tried together. While the suit filed by the landlord was dismissed, the suit filed by the tenant was decreed vide judgment and decree dated 12.04.2013 on the file of the Principal District Munsif, Nagercoil. Aggrieved by the same, the landlord filed A.S Nos.92 of 2013 and 86 of 2013 before the Sub Court, Nagercoil. The first appellate court vide the impugned judgment dated 28.01.2014 allowed the appeals. Aggrieved by the same, these two Second Appeals have been filed. The Second Appeals were admitted on the following substantial questions of law :

"1.Whether the finding of the first appellate court that Ex.A1 quit notice, is valid in law and is in accordance with Section 106 of Transfer of Property Act ? and

2.Whether the finding with regard to Ex.A1 by the first appellate court, is perverse by misreading of the evidence adduced ?."

2.During the pendency of the second appeals, certain subsequent developments took place. The tenant appears to have sublet the premises. The sub-lessee had cleared the liability of the appellant. The landlord has also entered into a fresh rental agreement with the erstwhile sub-lessee. This submission is made by the learned counsel for the landlord. This development was also duly recorded in E.P No.35 of 2014 on the file of the Principal District Munsif Court, Nagercoil. In view of the subsequent development, nothing survives for further adjudication in these second appeals. The second appeals are accordingly closed. No costs. Connected miscellaneous petitions are also closed.

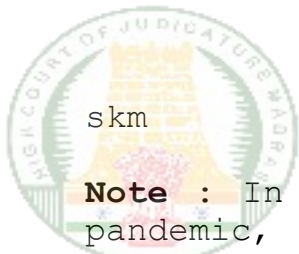
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



skm

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 Principal Subordinate Judge, Nagercoil.
- 2.The Principal District Munsif, Nagercoil.

Copy to :

The Record Keeper, V.R.Section,
Madurai Bench of the Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-16588[F] dated 20/04/2021)

**SA(MD) Nos.800 & 801 of 2014
and
MP (MD) Nos.2 & 2 of 2014**

19.04.2021

CN(06.05.2021) 3P 6C