



S.A.No.222 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2022

CORAM: JUSTICE N.SESHASAYEE

S.A(MD).No.222 of 2010
and C.R.P(MD)No.218 of 2008

In S.A(MD)No.222 of 2010:

N.P.Narayanan ... Appellant/Appellant/Defendant

Vs.

1.Sivakasi

2.Rajesh Ganapathy ... Respondents/Respondents/Plaintiffs 2 & 3

Prayer: Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 19.11.2009 in A.S.No.32 of 2009 on the file of the Second Additional Subordinate Judge, Nagercoil, confirming the judgement and decree dated 28.11.2008 in O.S.No.601 of 2008 on the file of the Principal District Munsif of Nagercoil.

For Appellant : Mrs.P.Jessi Jeeva Priya

For R1 & R2 : Mr.I.Vel Pradeep

In C.R.P(MD)No.218 of 2008

P.Narayanan Nadar ... Petitioner/Appellant/Tenant

Vs.

1.Sivakami Padmanabhan

2.Rajesh ... Respondents/Respondents 2 & 3



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Prayer: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Building (Lease and Rent) Control Act No.18 of 1960 and amended by Act No.23 of 1973 and Act No.1 of 1980 against the order dated 26.11.2007 passed in R.C.A.No.14 of 2004 on the file of the Principal Subordinate Judge (Appellate Authority) Nagercoil, confirming the order dated 25.02.2004 passed in R.C.O.P.No.32 of 2000 on the file of the Principal District Munsif (Rent Controller, Nagercoil).

For Petitioner	: Mrs.P.Jessi Jeeva Priya
For R1 & R2	: Mr.I.Vel Pradeep for Mr.M.Gnanagurunathan

COMMON JUDGMENT

The dispute involved in the Second Appeal is between the landlord and the tenant. The suit was laid for arrears of rent. The suit was decreed successively both before the trial court and also before the First Appellate Court. Hence, this appeal is filed at the instance of the tenant.

2. While so, both the learned counsels and the parties have jointly filed a memo into this Court on 15.06.2017, wherein it is informed that the parties



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have compromised the matter and indeed the appellant/tenant had already surrendered possession on 10.03.2017. In view of the settlement arrived between the parties, nothing survives in this appeal. The memo of compromise is hereby recorded and the Second Appeal is disposed of in terms of the compromise. No costs.

3. Since this Second Appeal is disposed of in view of the compromise, the Registry is directed to refund the Court fee as per law.

4. The learned counsel for the appellant informs this Court that during the pendency of the suit, the respondent/plaintiff had obtained an order of attachment before judgment in I.A.No.409 of 2000 Vide order of the trial court dated 28.11.2000. In view of compromise, as stated in paragraph No.2 above, the order of attachment before judgment will stand vacated. The trial court is required to intimate the concerned Sub Registry about the lifting of the order of attachment forthwith.



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5. In view of the judgment passed in S.A(MD)No.222 of 2010 based on the compromise arrived between the landlord and the tenant, nothing survives in the Civil Revision Petition in C.R.P(MD)No.218 of 2008 and the same is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2022

Index : Yes/No

Internet: Yes/No

CM

Note: Issue order copy on **01.11.2022**

To,

1.The Second Additional Subordinate Judge, Nagercoil.

2.The Principal District Munsif of Nagercoil.

3.The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.



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N.SESHASAYEE, J.,

CM

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and C.R.P(MD)No.218 of 2008

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