



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.826 of 2010

Baby

... Appellant / Appellant /
Plaintiff

Vs.

1. Annapoorani

2. Selvakumar

3. Kasi Muthaiah

4. Senthil

5. Prema

6. Venkatesan

7. Chitra

8. Geetha

... Respondents / Respondents /
Defendants

Prayer: Second appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 24.02.2010 in A.S.No.35 of 2006 on the file of the Principal Subordinate Judge, Tanjore, confirming the Judgment and Decree dated 16.12.2004 made in O.S.No.123 of 1997 on the file of the District Munsif Court, Tanjore.

For Appellant : Mr.G.Mohan Kumar

For R-2 & R-3 : Mr.K.Govindarajan

For R-4 : No appearance.

* * *

J U D G M E N T

The plaintiff in O.S.No.123 of 1997 on the file of the District Munsif, Tanjore, is the appellant in this second appeal.

2. It is a suit for specific performance. The appellant had entered into a sale agreement with the first defendant T.G.Gangadharan. T.G.Gangadharan had only 1/30th share in the suit property. The sale agreement is dated 27.07.1988. But the suit itself came to be filed only in the year 1997. It is hopelessly barred by limitation on the very face of it. That is why, the Courts



below have concurrently dismissed the suit. The Courts below have also concurrently found that the appellant had not proved her readiness and willingness. There is absolutely no scope for interference in the second appeal. No substantial question of law arises for consideration.

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3. The decision of the Court below is confirmed. This second appeal is dismissed.

4. However, the learned counsel appearing for the contesting respondents states that as a measure of goodwill, respondents 2 and 3 shall pay a sum of Rs.5,000/- to the appellant. In my presence, the learned counsel for the contesting respondents has paid the said amount of Rs.5,000/- to the learned counsel for the appellant. No costs.

Sd/-

Assistant Registrar (CS.III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Tanjore.
2. The District Munsif,
Tanjore.

Copy To:

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

+1 cc to Mr.K.Govindarajan, Advocate, SR.No.10655

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