



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2022**

CORAM

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

S.A(MD)No.10 of 2019

and

C.M.P(MD)No.709 of 2019

A.Balasubramanian ... Appellant/Appellant/Defendant

Vs.

R.Suresh ... Respondent/Respondent/Plaintiff

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree order passed by the learned Principal Subordinate Judge, Thanjavur, dated, 10.10.2017, made in A.S.No.11 of 2016, confirming the judgment and decreetal order made in O.S.No.163 of 2011, dated, 11.09.2015, on the file of the learned District Munsif, Thiruvaiyaru.

For Appellant : Mr.S.Deenadhayalan
For Respondent : Mr.P.Vadivel

JUDGMENT

The learned counsel for the appellant submits that the second appeal arises out of a suit for recovery of possession, in which, the appellant is the defendant. The suit was decreed by the trial Court and confirmed by the First Appellate Court. According to the learned counsel for the appellant, the decree has been put to execution and the plaintiff has already taken possession. The delivery has also been recorded by the execution Court. Nothing survives in the second appeal. The Second Appeal is dismissed as infructuous. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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.

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To

- 1.The Principal Subordinate Judge,
Thanjavur,
- 2.The District Munsif,
Thiruvaiyaru.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 C)

Order made in
S.A(MD)No.10 of 2019
Dated:
08.02.2022

CK(CO)
GC(22.02.2022) 2P 5C