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S.A.No.687 of 1997
and C.M.A.No.1859 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

S.A.No.687 of 1997
and
C.M.A.No.1859 of 2012
and
C.M.P.Nos.7296 of 1997, 903 of 2020 and 4357 of 2017

S.A.No.687 of 1997:

Sri Agastheeswarar Sri
Prasana Venkatesa Perumal
Devasthanam, represented
by its Hereditary Trustee,
*R.Radhakrishnan and
R.Kalyanaraghavan
(*Substituted vide order of the Court
dated 28.01.2020 made in
C.M.P.No.1311 of 2020 in S.A.No.687 of 1997) ... Appellant

Vs.

P.T.Srinivasan (Died)

2.R.Vijayalakshmi
3.P.T.S.Thiagarajan (Died)
4.P.T.S.Ramesh

(R2 to R4 brought on record
as LR's of the deceased sole respondent vide order
of the Court dated 16.11.2018)



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made in C.M.P.No.14179 of 2003
in S.A.No.687 of 1997 (SMSJ))

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5.Mohana
6.T.Srivatsan
7.T.Harshavarthan
8.T.Kaviya

(R5 to R8 brought on record
as LR's of the deceased 3rd respondent vide order
of the Court dated 03.03.2020
made in C.M.P.No.903, 906 and 908 of 2020
in S.A.No.687 of 1997 (NSSJ))

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree dated 20.06.1996 rendered in A.S.No.180 of 1995 on the file of the III Addl. City Civil Judge, Madras, confirming the Judgment and Decree dated 24.01.1995 rendered in O.S.No.3130 of 1990 on the file of the I Assistant City Civil Judge at Madras.

For Appellant : Mr.Elizabeth Ravi

For Respondents : R1 - Died

Mr.V.G.Suresh Kumar
For R2

R3 - Died - Steps taken
R4 - Not Ready in Notice

Mr.T.S.Rajamohan
for R5 to R8



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C.M.A.No.1859 of 2012:

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Sri Agastheeswarar Sri Prasanna
Venkatesa Perumal Devasthanam,
Represented by its Hereditary Trustees,
R.Kalyanaraghavan and
R.Radhakrishnan
(Substituting the Assistant Commissioner,
H.R. & C.E., Chennai - 34,
at No.34, North Mada Street,
Nungambakkam,
Chennai - 600 034.

... Appellant

Vs.

1. P.T.S.Thiagarajan

2.P.T.S.Ramesh

3.K.Vijayalakshmi Ravikumar

4.Major.Rakeshkumar

(4th respondent declared as major and
discharged Guardianship from R3
K.Vijayalakshmi Ravikumar vide order
of Court Dt:04.08.2017 by NSSJ
made in C.M.P.No.5177 of 2017 in
C.M.A.No.1859 of 2012

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Order XLIII Rule 1 (u)
of the Civil Procedure Code against the order of remand dated 23.12.2011
passed in A.S.No.109 of 2008 on the file of the VII Additional Judge, City



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Civil Court at Chennai, by setting aside the Judgment and Decree dated 17.12.2007 rendered in O.S.No.7226 of 1985 on the file of the I Assistant Judge, City Civil Court at Chennai.

For Appellant : Mr.A.V.Arun

For Respondents : Mr.V.G.Suresh Kumar
For R1 and R3

R2 - Not Ready in Notice

R4 - Not Ready in Notice

COMMON JUDGMENT

Learned counsel for the Appellant in C.M.A.No.1859 of 2012 has filed a Memo stating that pursuant to the order of the Joint Commissioner, HR & CE dated 16.12.2020, possession was taken on 22.01.2021. O.S.No.3130 of 1990 had been filed for fixation of fair rent and O.S.No.7226 of 1985 had been filed for ejectment of the tenant. When possession having been handed over, nothing remains to be adjudicated by this Court in either of the Appeals.



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2. Learned counsel for the Appellant would raise a plea that the possession having been taken from the respondents, while letting the property to any other person, they must not claim the same at the rate at which the original respondent / P.T.S.Thiagarajan had taken the same. It is always open to the Appellant to negotiate and fix the fair rent for the property at the time of leasing it out to any third party.

3. In the result, both the Appeals are dismissed as infructuous. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

05.04.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab



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To

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- 1.The III Addl. City Civil Judge,
Madras.
- 2.The I Assistant City Civil Judge,
Madras.
- 3.The VII Additional Judge,
City Civil Court,
Chennai.
4. The I Assistant Judge,
City Civil Court,
Chennai.



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V.LAKSHMINARAYANAN. J.,

ab

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and
C.M.A.No.1859 of 2012**

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