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S.A.No.1235 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.01.2023**

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.1235 of 2014
and M.P.No.1 of 2014

P.Ragothaman ... Appellant

Vs.

A.B.Govardhan ... Respondent

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 30.04.2014 made in A.S.No.126 of 2013 on the file of the XVV Additional City Civil Court, Chennai confirming the judgment and decree dated 13.07.2012 made in O.S.No.4521 of 2008 on the file of the IX Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr.S.Giridharan
For Respondent : Ms.G.Sumitra

JUDGMENT

The order of this Court dated 30.11.2022 has been complied in full and the Mortgage Deeds dated 16.04.1995 and 17.04.1995 have been cancelled and the said cancellation has also been registered.



2. Today, the original Sale Deed dated 02.12.1978 registered as Document No.4122 of 1978 on the file of the Sub Registrar, Kodambakkam, which was retained by Mr.S.Giridharan, learned counsel for the appellant and a copy of the Cancellation Deed, which has been registered vide Receipt No.6394 of 2022 on the file of the Sub Registrar Office, Kodambakkam were handed over to Mr.P.Ragothaman, S/o.late Pandurangan, who is present before this Court. The same has also been received by him.

3. The suit was filed by the respondent herein seeking a mortgage decree. The suit was decreed and confirmed in appeal, against which, the defendant had filed this appeal. It is pending the appeal that the defendant has paid the amounts due under the Mortgage Deed dated 17.04.1995 to the plaintiff and the plaintiff has also returned the original documents of title pledged by the defendant / appellant herein and they have also cancelled the Mortgage Deed. Therefore, in effect, the decree has been complied with by the defendant. Hence, nothing survives further for consideration in the above second appeal.

4. Therefore, recording the above details, this second appeal



S.A.No.1235 of 2011

is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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To

1. The XVV Additional City Civil Court, Chennai
2. The IX Assistant Judge, City Civil Court, Chennai, Coimbatore.
3. The Section Officer, V.R.Section, High Court, Madras



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P.T. ASHA, J,

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