



S.A.Nos.183 & 184 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

MR.JUSTICE N.SESHASAYEE

S.A.Nos.183 and 184 of 2019
and C.M.P.Nos.3185 and 3188 of 2019

1.S.Vijayakumari
2.R.Sekar

... Appellants in
S.A.No.183 of 2019

1.S.Vijayakumari

... Appellant in
S.A.No.184 of 2019

Vs.

S.Veeramurthy

... Respondent
S.A.No.183 of 2019

1.S.Lakshmi (Died)

2.S.Veeramurthy
3.R.Uma
4.V.Mala

(R1 died, RR3 & 4 B/R as LRs
of the deceased R1 vide Court order
dt.09.03.2023 made in C.M.P.No.9789
of 2021 in S.A.No.184 of 2019 (NSSJ)

... Respondent
S.A.No.184 of 2019



S.A.Nos.183 & 184 of 2019

COMMON PRAYER: These Second Appeals are filed under Section 100 of the Civil Procedure Code, seeking to set aside the decree and judgment dated 24.08.2017 rendered in A.S.Nos.410 and 412 of 2014, on the file of the XVIII Additional Judge, City Civil Court, Chennai, confirming the decree and the judgment dated 27.08.2014 rendered in O.S.Nos.9110 and 1423 of 2011, on the file of the I Assistant Judge, City Civil Court, Chennai, by allowing these second appeals.

For Appellants	: Ms.G.Sumitra in both S.As
For Respondents	: Mr.K.R.Ramesh Kumar in oth S.As

COMMON JUDGMENT

The plaintiff has laid a suit for recovery of possession with mesne profits, against his sister. The sister has laid another suit against her brother for bare injunction that a peaceful enjoyment of the property in question should not be disturbed. While the suit for recovery of possession and for mesne profits was decreed, the other suit came to be dismissed concurrently by the Courts below.

2.Today, both sides make a joint statement that they have resolved the issue amicably except for one niggling aspect, which would be indicated later.



S.A.Nos.183 & 184 of 2019

3.The appellants in S.A.No.183 of 2019 which was laid for recovery of possession and mesne profits, undertake to deliver vacant possession in six months time. They have also filed an affidavit to that effect.

4.The plaintiff in the said suit on his part undertakes that he would forgo all his claim of mesne profits against the appellant. He has also filed his separate affidavit.

5.The niggling aspect is that while the appellants seek six months time for vacating the property, the respondent wants to limit it to three months. After hearing both sides, this Court suggested that it could be four months time and both sides agreed to the proposal of the Court.

6.Accordingly, S.A.No.183 of 2019 and S.A.No.184 of 2019 are partly allowed, so far as the claim of mesne profits is concerned, and are dismissed as regards that part of the decree directing the eviction of appellants from



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S.A.Nos.183 & 184 of 2019

N.SESHASAYEE, J.

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the suit property. The appellants are now directed to deliver vacant possession within a period of four (4) months from today. No costs. Consequently, the connected miscellaneous petitions are closed.

13.04.2023

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Index : yes / no

Internet : yes / no

Speaking / Non Speaking order

To.

1.The XVIII Additional Judge
City Civil Court
Chennai

2.The I Assistant Judge
City Civil Court
Chennai,

S.A.Nos.183 and 184 of 2019
and C.M.P.Nos.3185 and 3188 of 2019