



S.A.No.770 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

A.S.No.770 of 2018

Loganathan

... Appellant

Versus

1.Gangabai

Renganayaki (deceased)

2.Rangabai

Kuppusamy (deceased)

3.P.K.Ravi

4.P.Bharathi

...

Respondents

Second Appeal is filed under Section 100 of Civil Procedure Code, praying to set aside the judgment and decree dated 06.02.2017 made in A.S.No.6 of 2014 on the file of the Sub-Court, Arakonam, confirming the judgment and decree dated 20.12.2006 made in O.S.No.482 of 1996 on the file of the District Munsif Court, Arakonam.

For Appellant	: No appearance
For R1	: Mr.N.Manoharan
For R2	: Batta Due
For R3 & R4	: Mr.P.Krishnan



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ORDER

This petition has been filed by the appellant to set aside the judgment and decree dated 06.02.2017 made in A.S.No.6 of 2014 on the file of the Sub-Court, Arakonam, confirming the judgment and decree dated 20.12.2006 made in O.S.No.482 of 1996 on the file of the District Munsif Court, Arakonam.

2. Heard, Mr.N.Manoharan, learned counsel for the first respondent, Mr.P.Krishnan, learned counsel appearing for the respondents 3 and 4. The name of the appellant also printed in the cause list but there is no representation on the side of the appellant.

3. The learned counsel for the respondents 3 and 4 submitted that in the above S.A.No.770 of 2018 filed by the 3rd defendant in suit against the judgment and decree dated 06.02.2017 in A.S.No.6 of 2014 and the decree dated 20.12.1996 passed in O.S.No.482 of 1996. The plaintiff filed final decree application in I.A.No.209 of 2007 in O.S.No.482 of 1996 on the file of the District Munsif Court, Arakkonam and the same was allowed on



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04.01.2011. Similarly, the defendants 2 & 4 to 6 filed E.P.Nos.8/2015 & 10/2015 respectively to deliver the possession. Accordingly, Executing Court handed over the possession to them on 12.01.2016 and the same was recorded. Based on the final decree these defendants took possession of the property through Executing Court, a memo has been filed to that effect wants to record the same.

4. The memo filed by them is recorded. Similarly the plaintiff also took possession of the property based on the final decree proceedings, through Court below on 04.01.2011. The submissions made by the learned counsel for the respondents 3 and 4 is also noted by this Court.

5. Accordingly, the Second appeal is dismissed. The memo filed by the respondents 3 and 4 shall form part of the decree. No costs.

20.09.2023

rri

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

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T.V.THAMILSELVI, J.

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To

1. The Sub-Court, Arakonam.
2. The District Munsif Court, Arakonam.
3. The Section Officer,
VR-Section, High Court of Madras.

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