



S.A.(MD).No.773 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

S.A.(MD).No.773 of 2022

and

C.M.P.(MD).No.11760 of 2022

1.Padmavathi

2.Rathinam

3.S.Anburathinam

4.P.V.Magudapathi

N.Venugopal (Died)

5.Valli @ Sundaravalli

6.Senthilnayagi

7.V.Ashok Kumar

... Appellants/Appellants/Plaintiffs

Vs.

The Karur Municipality,
Represented by its Commissioner,
Having Office at
Azad Road,
Karur Town.

... Respondent/Respondent/Defendant



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Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the Decree and Judgment dated 05.01.2022 passed in A.S.No.26 of 2018 on the file of District Judge, Karur, by confirming the decree and judgment dated 06.08.2018 passed in O.S.No.51 of 2011 by the Principal Subordinate Judge, Karur and allow the second appeal.

For Appellants : Mr.K.Suresh

For Respondent : Mr.K.Balasubramani

JUDGMENT

The appellants were tenants under the respondent. The learned counsel for the appellants submitted that the suit was filed for injunction restraining the respondent from evicting them forcibly except by due process of law. Both the Courts below have held against the appellants. The learned counsel submitted that after the filing of the Second Appeal, the property in question was taken over by the respondent for building a bus stand and the buildings have been demolished. Therefore, the present Second Appeal has become infructuous.

2. The learned counsel for the respondent also confirmed that pursuant to the action taken by them, the properties are now in possession of the respondent and therefore, nothing survives in the Second Appeal.



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3. The learned counsel for the appellants however prayed that liberty may be given to the appellants to pursue other remedies available to them in law as against the respondent.

4. This Court is of the view that if the appellants' rights have been infringed, it is open to them to pursue their remedies in accordance with law and any liberty given by this Court will be superfluous.

5. With the above observations, the Second Appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

09.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Lm

To

1.The Commissioner,
The Karur Municipality,
Azad Road,
Karur Town.

2.The District Court,
Karur.



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SUNDER MOHAN, J.

Lm

3.The Principal Subordinate Court,
Karur.

4.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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