



S.A.(MD)No.234 & 235 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2023

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)Nos.234 & 235 of 2017

S.A.(MD)Nos.234 of 2017:

1.Arulmigu Muniasamy Kovil Nirvaga Sangam,
Represented by its Secretary Ramasubbu.

2.Arumugavadivu

... Appellants

/Vs./

Sivaji Udarpayirchi Kazhagam,
Represented by its President Paulraj.

...Respondent

S.A.(MD)Nos.235 of 2017:

Arulmigu Muniasamy Kovil Nirvaga Sangam,
Represented by its Secretary Ramasubbu.

... Appellant

/Vs./

1.Sivaji Udarpayirchi Kazhagam,
Represented by its President and Secretary.

2.Paulraj

3.Santhanaraj

...Respondents



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COMMON PRAYER: Second Appeals filed under Section 100 of the Civil Procedure Code to set aside the Judgment and Decree passed in A.S.No.74 & 75 of 2007 on the file of the Sub Court, Thoothukudi dated 20.06.2011 confirming the Judgment and Decree passed in O.S.No.408 of 2005 & 424 of 2004, on the file of the Addl. District Munsif Court, Thoothukudi, dated 28.03.2007.

For Appellants : Mr.M.P.Senthil (in both appeals)

For Respondents : Mr.Johnson (in both appeals)

COMMON JUDGMENT

The learned counsel appearing for the appellants submits that he is unable to contact his clients, despite his best efforts. The said statement is recorded.

2. However, the learned counsel appearing for the respondents has filed additional typed set of papers dated 05.04.2023 stating that the respondents have already taken possession of the suit schedule property as early as on 30.07.2017, pursuant to an order dated 08.06.2017 passed in an Execution Petition. A copy of the docket order dated 08.06.2017



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passed in the Execution Petition and a copy of the Amena report (with clean copy) dated 13.07.2017 have also been filed in the additional typed set of papers to confirm that the respondents have already taken possession of the suit schedule property.

3. Since the respondents have taken possession of the suit schedule property wayback in the year 2017 itself, nothing survives for further adjudication in these Second Appeals. After recording the aforementioned facts, these Second Appeals are dismissed as infructuous. There shall be no order as to costs.

19.04.2023

Index : Yes / No
NCC : Yes / No
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TO:

- 1.The Sub Court, Thoothukudi.
- 2.The Addl. District Munsif Court, Thoothukudi.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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ABDUL QUDDHOSE, J.

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Common Judgment made in
S.A.(MD)No.234 & 235 of 2017

Dated:
19.04.2023