



S.A.No.1073 of 2001 and C.R.P.No.1501 of 1998

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.1073 of 2001 and C.R.P.No.1501 of 1998

S.A.Nos.1073 of 2001

- 1.Andalammal
- 2.Srinivasan
- 3.Santhakrishnan
- 4.Padma
- 5.Lalitha
- 6.Chandra

... Appellants

Vs.

- 1.Sundararajan
- 2.Sarangapani
- 3.Thirumalai Venkateseshan

... Respondents

PRAYER: The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree in A.S.No.41 of 2000, dated 23.04.2001 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, reversing the judgment and decree in O.S.No.17 of 1998 on the file of the Sub Court, Srivilliputhur, dated 20.04.2000.



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For Appellants : Mr.A.Sivaji

For Respondents : No appearance

C.R.P.No.1501 of 1998

V.Sarangapani

... Appellant

Vs.

- 1.Andal Ammal
- 2.Lalitha Ammal
- 3.Santhanakrishnan
- 4.Krishnammal

... Respondents

PRAYER: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Tamil Nadu Act 23 of 1973 and Act 1 of 1980, against the fair and decreetal order passed in R.C.A.No.4 of 1994, dated 21.08.1997 on the file of the learned Rent Control Appellate Authority (Principal Subordinate Judge), Srivilliputhur, confirming the fair and decreetal order in R.C.O.P.No.10 of 1984, dated 19.11.1993 on the file of the learned Rent Controller (Principal District Munsif), Srivilliputhur.

For Petitioner : No appearance

For R1 to R3 : Mr.A.Sivaji



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COMMON JUDGMENT

The learned counsel appearing for the appellants submitted that the suit in O.S.No.17 of 1998 has been filed against the defendants for declaration that the suit properties belonging to the plaintiffs and the fourth defendant and not to take any coercive action subsequent to the order passed by the District Munsif Court, Srivilliputhur in R.C.O.P.No.7 of 1982. The suit was decreed. Subsequently, in the appeal suit in A.S.No.41 of 2000, it was reversed.

2. The second respondent in the appeal filed a petition in R.C.O.P.No.10 of 1984 before the Principal District Munsif, Srivilliputhur for eviction and the same was dismissed. Aggrieved over the same, he filed an appeal in R.C.A.No.4 of 1994 before the Principal Subordinate Judge, Srivilliputhur and the same was also dismissed. Challenging the same, the present Civil Revision Petition has been filed by the petitioner in R.C.O.P.No.10 of 1984.

3. Under such circumstances, the learned counsel for the appellants in the second appeal submitted that the possession of the property was already been



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handed over to the second respondent in the second appeal and the petitioner in the revision petition and the appellants did not want to prosecute the appeal and requested to close the second appeal. In this regard, he has received a letter from the client undated and filed a memo dated 12.09.2023. The learned counsel for the respondents also filed a memo dated 17.07.2023, stating that the first respondent in the appeal is not responded. Therefore, he reported no instruction. It appears that the possession was handed over to the petitioner in the revision petition and this may be the reason for his non appearance.

4. In the result, both the Second Appeal as well as the Civil Revision Petition are dismissed for non- prosecution. No costs.

19.09.2023

akv

To

1.The Principal District Court,
Virudhunagar District,
Srivilliputhur.

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2.The Sub Court,
Srivilliputhur.

3.The Rent Control Appellate Authority
(Principal Subordinate Judge),
Srivilliputhur.

4.The Rent Controller (Principal District Munsif),
Srivilliputhur.

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



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KRISHNAN RAMASAMY,J.

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