



S.A.No.1208 of 2004

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.11.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE R. KALAIMATHI**

**S.A.No.1208 of 2004**

1.M.Rathinammammal(Died)  
2.R.Ramajayam  
3.M.Sundry  
4.Ramasamy  
5.Rani Kowsalya

... Defendants/Respondents/  
Appellants

*(A4 and A5 are brought on record  
as LR's of the deceased first appellant  
vide order dated 17.08.2011)*

**-Vs-**

1.S.Duraipandi(Died)  
2.D.Sivakumar  
3.Dhanayandhi  
4.Kannan  
5.Ganesan  
6.Poongkodi

... Plaintiffs/Appellants/  
Respondents

*(R3 to R5 are brought on record as LR's  
of the deceased R1 vide order dated 03.10.2012)*



S.A.No.1208 of 2004

**PRAYER:** Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment, dated 12.11.2003 made in A.S.No. 35 of 2003 on the file of the Sub-Court, Virudhunagar, reversing the decree and judgment, dated 10.01.2003 made in O.S.No.135 of 2001 on the file of the District Munsif Court, Virudhunagar.

For Appellants : M.Saravanan  
For R2 to R6 : Mr.V.Meenakshi Sundaran  
for Mr.D.Nallathambi

### **J U D G M E N T**

The first and the second respondents/plaintiffs laid a suit in O.S.No.135 of 2001 before the District Munsif, Virudhunagar, for permanent injunction not to evict them except under due process of law and it was dismissed by the trial Court. Against which, the plaintiffs preferred an appeal in A.S.No.35 of 2003 on the file of the Subordinate Court, Virudhunagar. The said appeal was allowed by setting aside the judgment and decree passed in O.S.No.135 of 2001. Against which, the defendants are before this Court.



S.A.No.1208 of 2004

WEB COPY

2.In the mean while, the defendants had initiated the proceedings before the Rent Controller in R.C.O.P.No.20 of 2001.

3.The learned counsel appearing for the appellants would submit that in the said RCOP, eviction was ordered and against which, RCA No.8 of 2003, is preferred and the same is disposed of by judgment dated 12.11.2003.

4.In the said circumstances, nothing survives for adjudication in the appeal and hence, this Second Appeal stands disposed of. No costs.

**28.11.2023**

NCC:Yes/No

Index:Yes/No

Internet::Yes/No



WEB COPY



S.A.No.1208 of 2004

**R. KALAIMATHI,J.**

Ns

To

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

**S.A.No.1208 of 2004**

**28.11.2023**