



S.A.Nos.1105 & 1106 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A.Nos.1105 & 1106 of 2006

1.Natarajan (died)

2.A.P.Sakthivel

3.P.Natarajan

4.Sakunthala

(Appellants 2 to 4 impleaded as appellants vide order dated 17.03.2022 made in C.M.P.No.17513 of 2016 in S.A.No.1105 of 2006)

5.N.Shanmugham

6.Y.Nalini

7.N.Kamalam

... Appellants in both the Appeals

(sole appellants died. Appellants 5 to 7 brought on record as Lrs of the deceased sole appellant viz., V.Natarajan vide Court order dated 17.03.2022 made in C.M.P.No.10738 of 2021 in S.A.No.1105 of 2006)

Vs

T.V.R.Chit Funds (P) Ltd.,

A Private Limited Company,

Represented by Director, R.Santhal,

No.30, K.S.C.Higher Secondary School Road,

ThiruppurTown

... Respondent in both the Appeals

COMMON PRAYER:- Second Appeals filed under Section 100 of

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the Civil Procedure Code, filed against the judgment and decree dated 19.10.2005 made in A.S.Nos.69 & 71 of 2005 on the file of the Principal District Judge, Coimbatore, allowing the appeal and reversing the judgment and decree dated 08.02.2005 and made in O.S.Nos.95 & 93 of 1999 on the file of Sub Court, Thiruppur.

For Appellant
in both the appeals : Mr.K.R.Nishant
for Mr.U.Baranidharan

For Respondent
in both the appeals : Mr.SKaithamalai Kumaran

COMMON JUDGMENT

The defendant is the appellant in the Appeal. Since, the sole respondent died, the legal heirs 2 to 7 has been brought on record. The plaintiff/ respondent herein has filed the suit for specific performance.

2. Today, when the matter is taken up for hearing, the learned counsel for the respondent submits that T.V.R.Chit Funds (P) Ltd., is no longer in existence and therefore, it is not feasible to execute the sale in its favour as directed by the lower Appellate Court. Hence, the decree for specific performance has become otiose. Therefore, the issue of



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executing the sale deed no longer remains and the only issue in respect of refund of advance amount still survives. Since, M/s.T.V.R.Chit Funds (P) Ltd., is not in operation, it is only the Registrar of Chit Funds who can make a claim. Hence, it is open for the Registrar of Chit Funds to file an appropriate application, if so advice to recover the amounts paid as advance.

3. With the above observations, this Second Appeal stands closed. No costs.

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Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No



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