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S.A.No.279 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

S.A.No.279 of 2018

and

CMP. Nos.11159, 7132 & 7133 of 2018

Paranthaman

...Appellant

Vs.

1.Amarajothi

2.Alli

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the learned Subordinate Judge, Ponneri in A.S. No.52 of 2010 dated 10.11.2017 confirming the Judgment and Decree of the learned District Munsif, Thiruvottiyur in O.S. No.132 of 2005 dated 03.09.2009.

For Appellant : Mr.C.E.Pratap

For Respondents : No Appearance



S.A.No.279 of 2016

JUDGMENT

This Second Appeal has been filed against the Judgment and Decree of the learned Subordinate Judge, Ponneri in A.S. No.52 of 2010 dated 10.11.2017 confirming the Judgment and Decree of the learned District Munsif, Thiruvottiyur in O.S. No.132 of 2005 dated 03.09.2009.

2. Heard the learned counsel for the Appellant.

3. The suit is filed for permanent injunction. The Courts below have concurrently dismissed the suit and negated the relief of permanent injunction. Pending the Appeal, the Appellant had also attempted to amend the plaint by seeking to convert the suit for permanent injunction into one for specific performance. The said Application was dismissed by the First Appellate Court, as against which, the appellant preferred C.R.P. No.1 of 2016, wherein, this Court in and by order dated 07.06.2019, dismissed the Civil Revision Petition.



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S.A.No.279 of 2016

4. The learned counsel for the petitioner states that as on date, the appellant is not in physical possession of the suit property and the subsequent events may be recorded and the Second Appeal be closed.

5. I find from the records that the Second Appeal has not yet been admitted and on going through the Judgments of the trial Court as well as the First Appellate Court, I do not find any substantial questions of law arising for consideration in the above Second Appeal.

6. In view of the fair submission made by the learned counsel for the Appellant, nothing survives for further consideration in the Second Appeal. Recording the same, this Second Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

09.01.2024

Index : Yes/No

Internet : Yes/No

rkp



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P.B.BALAJI, J,

rkp

To

- 1.The Subordinate Judge, Ponneri.
- 2.The District Munsif, Thiruvottiyur.

S.A.No.279 of 2018
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S.A.No.279 of 2016