

S.A.No.859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :13.02.2025

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

S.A.No.859 of 2024

1.Thirugnanasampanthan

2.Parasakthi

...appellants

Vs

Kaveri Ammal (died)

1.Thilagavathi

2.Doctor Balachandar

... Respondents

PRAYER: Second Appeal filed Under Section 100 of the Civil Procedure Code, against the Judgment and decree of the learned I Additional Subordinate Judge, Erode in A.S.No.14 of 2020 dated 14.09.2022 confirming the Judgement and decree of the learned II Additional District Munsif, Erode, in O.S.No.680 of 2015, dated 06.08.2019.

For Appellants : Mr.J.Franklin

For Respondents : Mr.J.Titus Enock



S.A.No.859 of 2024

JUDGMENT

WEB COPY

The appellants have filed this Second Appeals against the judgment and decree dated 14.09.2022 passed in A.S.No.14 of 2020 on the file of the I Additional Subordinate Court, Erode, confirming the judgment and decree of the learned II Additional District Munsif, Erode in O.S.No.680 of 2015, dated 06.08.2019.

2. Heard, Mr.J.Franklin, learned counsel for the appellants and Mr.J.Titus Enock, learned counsel appearing for the respondents and perused the material available on record.

3. For the sake of convenience, the parties herein are referred to as they were ranked in the original suit.

4. Challenging the concurrent findings of the Courts below, the plaintiffs preferred this appeal. Before the trial court, the plaintiffs filed a suit for a permanent injunction, seeking protection from eviction except



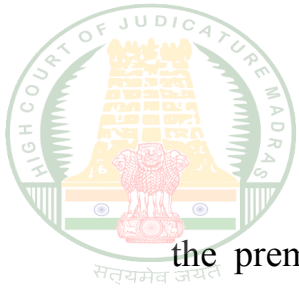
S.A.No.859 of 2024

through due process of law. The defendants contested the case, stating that steps had already been taken to recover possession of the property. The third defendant is a bona- fide purchaser, and a sale deed was executed in his favour by 1st defendant along with the plaintiff.

5. Defendants 2 and 3 filed a counterclaim, but the plaintiffs suppressed this fact. Considering this, the learned trial judge dismissed the suit and allowed the counterclaim. An appeal was filed against this decision, but the appellate court upheld the trial court's findings. Challenging these concurrent findings, the plaintiffs has now filed the present appeal.

6. When the matter was taken up, the appellants/plaintiffs filed an undertaking affidavit stating their willingness to hand over the premises on or before 01-06-2025, as the plaintiff's daughter is getting married in March 2025.

7. The learned counsel for the contesting respondents 1 and 2 appeared and accepted the terms. Accordingly, the appeal is disposed of in terms of the undertaking affidavit. The appellants are directed to hand over



S.A.No.859 of 2024

the premises to respondents 1 and 2 on or before 01-06-2025, with the affidavit forming part of the order.

8. In view of the above, the Second appeal is disposed of. There shall be no order as to costs.

9. For reporting compliance, post the case on 17-06-2025.

13.02.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

rri

To

1. The I Additional Subordinate Judge, Erode.
2. The II Additional District Munsif, Erode.
3. The Section Officer, VR Section, High Court of Madras.



WEB COPY



S.A.No.859 of 2024

T.V.THAMILSELVI, J.

ri

S.A.No.859 of 2024

13.02.2025