



S.A.Nos.473 and 474 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.03.2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

S.A.Nos.473 and 474 of 2010
and M.P.No.1 of 2010

1. Natarajan (Died)
2. Backiyam
3. Indira Gandhi
4. M.Saratha

...Appellants in S.A.No.473 of 2010

1. Natarajan (Died)
2. Backiyam
3. Indira Gandhi
4. Rajkumar
5. M.Saratha

...Appellants in S.A.No.474 of 2010

Versus.

1. G.Valarmathi
2. Rajkumar

...Respondents in S.A.No.473 of 2010

1. A.Syed Ali Anvar
2. G.Valarmathi
3. Syed Asya Balkesh

...Respondents in S.A.No.474 of 2010

Prayer in S.A.No.473 of 2010: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree in A.S.No.196 of 2007 on the file of the I Additional Sub-Court, Salem dated 18.12.2009 in reversing the



S.A.Nos.473 and 474 of 2010

judgment and decree in O.S.No.2075 of 2004 on the file of the II Additional District Munsif Court, Salem dated 10.08.2007.

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Prayer in S.A.No.474 of 2010: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree in A.S.No.204 of 2007 on the file of the I Additional Sub Court, Salem dated 18.12.2009 in reversing the judgment and decree in O.S.No.1293 of 2004 on the file of the II Additional District Munsif Court, Salem dated 10.08.2007.

For Appellants (in both Appeals) : M/s.V.Srimathi

For Respondents : Mr.A.Sundaravadhanan
(for R1 in S.A.No.473 of 2010 and
R1 to R3 in S.A.No.474 of 2010)

For R2 in S.A.No.473 of 2010 : No Appearance

COMMON JUDGMENT

Appeal in S.A.No.473 of 2010 is filed against the judgment and decree in A.S.No.196 of 2007 on the file of the I Additional Sub-Court, Salem dated 18.12.2009 in reversing the judgment and decree in O.S.No.2075 of 2004 on the file of the II Additional District Munsif Court, Salem dated 10.08.2007.



S.A.Nos.473 and 474 of 2010

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2. Appeal in S.A.No.474 of 2010 is filed against the judgment and decree in A.S.No.204 of 2007 on the file of the I Additional Sub Court, Salem dated 18.12.2009 in reversing the judgment and decree in O.S.No.1293 of 2004 on the file of the II Additional District Munsif Court, Salem dated 10.08.2007.

3. Learned Counsel for the Respondents submits that both the Second Appeals were dismissed and subsequently the same were restored. Meanwhile, the Respondents had proceeded with execution of decree in R.E.P.No.129 of 2017 in O.S.No.2075 of 2004. The suit in O.S.No.2075 of 2004 was filed seeking declaration of title and recovery of possession which was decreed in favour of the Plaintiff. The other suit was filed by the Defendant for injunction that was dismissed.

Learned Counsel for the Respondents submits that the learned II Additional District Munsif, Salem in R.E.P.No.129 of 2017 in O.S.No.2075 of 2004 vide order dated 24.01.2024 had recorded the delivery of property and terminated the Execution petition, therefore, nothing survives. Both the



S.A.Nos.473 and 474 of 2010

Second Appeals are to be dismissed as infructuous.

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In view of the above submission, both the Second Appeals are dismissed as infructuous. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

24.03.2025

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Index : Yes/No

Speaking/Non-speaking order

To:

1. The II Additional District Munsif,
Salem.
2. The I Additional Sub Judge,
Salem.
3. The Section Officer,
V.R Section
High Court of Madras.



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S.A.Nos.473 and 474 of 2010

SATHI KUMAR SUKUMARA KURUP, J.

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S.A.Nos.473 and 474 of 2010 and
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