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S.A.No.139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

S.A.No.139 of 2023
and
CMP.No.3934 of 2023

Kanagasundari Jeevarathinam

... Appellant /Defendant

vs.

J.Prem Kumar

... Respondent / Plaintiff

PRAYER: This Second Appeal is filed under Section 100 of C.P.C., to set aside the judgment and decree passed in A.S.No.68 of 2016, dated 29.10.2020 on the file of Additional Subordinate Court, Vellore and District reversing the judgment and decree passed in O.S.No.93 of 2010, dated 20.09.2016 on the file of the Principal District Munsif Court, Vellore.

For Appellant : Mr.P.A.Sudesh Kumar

For Respondent : Mr.T.M.Hariharan

JUDGMENT

Heard the learned counsel for the appellant.

2. The learned counsel for the respondent has filed the affidavit of the respondent. The relevant portion of the said affidavit of the



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respondent, is extracted hereunder:-

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2. I submit that I suffer from chronic heart ailment and I cannot walk for more than few steps together at a time and I cannot climb up stairs. I suffer from Cardigogenic Syncope, Obstructive Sleep Apnea-Severe Bronchial Asthma, Pulmonary Artery Hypertension – Group 3, Diabetes Mellitus Type 2 and Systemic Hypertension Hypothyroidism.
3. I have concern for my aged mother, in fact she is staying in my house. I provide her Rs.10,000/- every month. I submit that I have allowed my mother, the petitioner to occupy my house in Door No.45, Palathoram Street(New Katpadi Road), Vellore.
4. I submit that my sister Prema Stephen and one of my brothers Jacob Premanand are instigating my innocent mother and are involved in shadow fighting utilizing her name. They are attempting to fight me using my innocent mother as a shield and taking of advantage of her advanced age and suppressing my advanced age and my very serious health complications. The conduct of Prema Stephen and Jacob Premanand is highly deplorable.
5. I have always had concern for the welfare of my aged mother. Even though the suit filed using her name has been dismissed, I hereby undertake that I will not disturb my mother occupying my house portion during her life time. However, I will not permit Prema Stephen or Jacob Premanand to use this, to disturb my peaceful occupation and use of my house or the vacant spaces around my house, rented as Parking space. The very idea of Prema Stephen and Jacob Premanand is to prevent me using my



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property and any such obstruction from any quarter will be suitably resisted.

6. I submit that if my sister Prema Stephen my brother Jacob Premanand who are not parties to the suit cause me any trouble, the same will be resisted suitably. I again reiterate that I will not disturb my mother occupying house portion during my life time.

3. The respondent who is the son of appellant herein has undertaken not to disturb his mother occupying the house during her life time.

4. Recording the said details of the affidavit and submissions made by the learned counsels for the appellant and respondent. The learned counsel for the appellant has no objection. This Second Appeal stands closed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

Index : Yes/No
Internet : Yes/No
kkd

To

1. The Additional Subordinate Court, Vellore and District.

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2. The Principal District Munsif Court, Vellore.

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R.KALAIMATHI, J.,
kkd

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