WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

SA Nos. 267 & 268 of 2012

CNR:{HCMA010380402012}

AND

MP NO. 1 of 2012

Case QR

R.Sudhakar
Proprietor,
The Cement Concrete Works,
21 West Cott Road,
Royapettah, Madras 600 014.

..Appellant(s)

Vs

Woodlands
Rep By Partner
N.Venkatesh
No.25 West Cott Road
Royapettah, Chennai 600014

..Respondent(s)

SA No. 268 of 2012

Case QR

CNR:{HCMA010380452012}

R.Sudhakar
Proprietor,
The Cement Concrete Works,
21 West Cott Road,
Royapettah, Madras 600 014.

..Appellant(s)

Vs

1. B. Lalitha (Died)

2. N.Leelavathi

3. N.Vijayalakshmi

4. N.Vasanthalaksmi

https://www.mhc.tn.gov.in/judis

WEB COPY

5. N.Viswanath

6. N.Venkatesh

7. L. Premkishore

8. L. Sailesh

9. B.L. Sarala

(RR7 to 9 brought on record as LRs of Deceased R1 Viz., B. Lalitha Vide Order Of Court Dated 22/8/2024 Made In Mp.1/2012 In SA.268/2012)

..Respondent(s)

Prayer in SA No.267 of 2012 : Second Appeal filed under Section 100 CPC, 1908 against the decree and judgment dated 11.12.2009 passed in A.S. No.197 of 1998, on the file of the Additional District Court, I Fast Track Court, Chennai, upholding the decree and judgment dated 13.02.1997 passed in O.S.No.2123 of 1993, on the file of the VII Assistant City Civil Court, Chennai.

Prayer in SA No.268 of 2012 : Second Appeal filed under Section 100 CPC, 1908 against the decree and judgment dated 11.12.2009 passed in A.S. No.198 of 1998, on the file of the Additional District Court, I Fast Track Court, Chennai, upholding the decree and judgment dated 13.02.1997 passed in O.S.No.3306 of 1993, on the file of the VII Assistant City Civil Court, Chennai.

In SA No. 267 of 2012 :

For Appellant(s): Mr. Sandeep.S. Shah
for M/s. Shah and Shah

https://www.mhc.tn.gov.in/judis

WEB COPY

For Respondent(s): Mr.C. Jagadish

In SA No. 268 of 2012 :

For Appellant(s): Mr. Sandeep.S. Shah
for M/s. Shah and Shah

For Respondent(s): Mr.C. Jagadish for
R2 to R4 and R6

Mr.R. Thiagarajan for R7

R8 and R9 - No Appearance

COMMON JUDGMENT

Today, when the matter is taken up for consideration, both side counsel present.

2. The learned counsel for the appellant filed an affidavit to seek for permission of this Court to withdraw these appeals without prejudice to the legal contentions raised by either party pending adjudication in OS No.3600 of 2023 on the file of I Additional City Civil Court, Chennai.

3. The learned counsel for the respondents also not raised objection for the affidavit except the word mentioned in Para 20 that ‘similarly, the respondents will not disturb the possession of the appellant in any manner unknown to law’ and pointed out that there is no injunction sought for in this

https://www.mhc.tn.gov.in/judis

WEB COPY

case, if it is accepted it amounts to injunction in this case for the pending suit. Therefore, this Court clarifies that the parties to the pending proceedings in OS No.3600 of 2023 can work out their remedy in the manner known to law, in the suit.

4. Recording the affidavit of the appellant, these second appeals are dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

12-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

1. The Additional District Court, I Fast Track Court, Chennai.

2. The VII Assistant City Civil Court, Chennai.

3. The Section Officer, VR Section, High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

P.DHANABAL J.

MTL

SA Nos. 267 & 268 of 2012
AND
MP No. 1 of 2012

12-11-2026

https://www.mhc.tn.gov.in/judis