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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

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

SA No. 57 of 2026

CNR:{HCMA012922742025}

AND

CMP NO. 20688 OF 2026,
CMP NO. 1770 OF 2026

Case QR

Moses Bright (Died)

1. N.Jeyarani
   W/o. Moses Bright,
   Res. at No.258, Velacherry Main Road,
   Sembakkam,
   Chennai – 73.

2. Lenifa Priyadharshini
   D/o Moses Bright,
   No 258, Velacherry Main Road,
   Sembakkam,
   Chennai 73

3. Anishma
   D/o Moses Bright,
   No 258, Velacherry Main Road,
   Sembakkam,
   Chennai 73

4. M.J.Shibin Bright,
   S/o Moses Bright,
   No 258, Velacherry Main Road,
   Sembakkam,
   Chennai 73

..Appellant(s)

Vs

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

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1. Poyamozhi
   S/o. S.Muniappan,
   No. 1-25, Tamil Nadu Housing Board Quarters,
   Shenoy Nagar,
   Chennai-30.
   .
2. Tamil Nadu Secretariat Typist And Steno
   Typist Co-operative Housing Society,
   MDS/HSG/176
   Chennai.
   (R2 impleaded vide court order dated
   27/08/2026 made in CMP No.17163 of 2026 in
   SA.No.57 of 2026)

..Respondent(s)

PRAYER

Second Appeal filed under Sec.100 of C.P.C., praying to set aside the Judgment and decree dated 10.06.2025 made in AS No.2 of 2017 on the file of Subordinate Court, Tambaram Confirming the Judgment and decree dated 26-10-2016 made in OS No.206 of 2010 on the file of District Munsif Court, Tambaram.

For Appellant(s): Mr.Aravind Subramanian
Senior Advocate for
Mr.Mohamed Sajid M

For Respondent(s): Mr.K.Magesh for R1

ORDER

Today, when the matter is taken up for hearing, both learned counsel for appellants and 1st respondent appeared.

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2. The appellants, who are the legal heirs of original defendant in the suit filed by the respondent/plaintiff in O.S.No.206 of 2010, challenging the concurrent findings of courts below, have preferred this Second Appeal.

3. The learned counsel for respondent raised strong objections stating that already he filed the Execution Petition to remove the superstructure, but due to the pendency of this Second Appeal, it could not be proceeded.

4. Admittedly, the superstructure was put up by the appellants, but they need some more time to remove the superstructure. However, I do not find any merit in this Second Appeal as there is no substantial question of law is involved against the concurrent findings, since the 1st respondent/plaintiff had proved his right and title and the original defendant is encroached the property, which is shown as 'B' schedule property, wherein there is a partially constructed basement level. Time is granted to the appellants to remove the superstructure within a period of eight weeks from the date of receipt of copy of this judgment and report before this Court on 05.01.2027. Till then, Execution Petition is not to be proceeded. Accordingly, this Second Appeal is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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5. Post the matter on 05.01.2027 under the caption “For Reporting Compliance”.

05-11-2026

RPP

N.B. : Issue order copy on 10.11.2026.

To

1. The Sub-Judge, Tambaram.

2. The District Munsif, Tambaram.

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

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T.V.THAMILSELVI J.

RPP

SA No. 57 of 2026
AND
CMP NO. 20688 OF 2026,
CMP NO. 1770 OF 2026

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