



TR.O.S.(MD)No.1 of 2024

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.11.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**TR.O.S.(MD)No.1 of 2024**

P.A.Ramasubramania Raja  
as the President and as Representative of  
Puthupalayam Sakkarajakottai  
Poosapadi Dayadhi Pannai Nandavanam,  
Rajapalayam Town and as representing  
the Dayadhis of Poosapadi Pannai.

... Plaintiff

[P.J.Alaga Raja substituted in the place of P.S.Sankar Raja (Died)  
as per order in I.A.No.684 of 2014 dated 10.06.2016]

[P.A.Ramasubramania Raja Substituted in the place of P.J.Alaga Raja (Died) as  
per order in I.A.No.1 of 2023, dated 07.10.2023]

[Amended as per order in I.A.No.2 of 2023, dated 04.03.2024]

Vs.

- 1.K.M.Sanjeevi Raja (died)
- 2.K.S.Chinnammal (died)
- 3.K.S.Mahadeva Raja
- 4.I.R.Kalyani Ammal (died)
- 5.K.S.Ramasubramaniya Raja (died)
- 6.K.S.Padmanarayana Raja
- 7.K.S.Rajagopal Raja
- 8.K.R.Rajeswari
- 9.K.R.Shivadharma Raja
- 10.P.K.Lalitha



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11.R.Raghava Raja  
12.R.Sumathi  
13.R.Muralidharan

... Defendants

[Respondents 8 to 10 impleaded and 2<sup>nd</sup> respondent also recorded as the legal representative of the deceased 5<sup>th</sup> respondent as per order in I.A.No.373 of 2006 dated 08.09.2009]

[Respondents 3 to 10 recorded as the legal representatives of the deceased 2<sup>nd</sup> respondent as per order dated 22.07.2013 in the memo dated 22.07.2013]

[The respondents 2 to 10/defendants 2 to 10 impleaded as per order in I.A.No.2 of 2019 dated 17.12.2019]

[Amended as per orders in I.A.Nos.529 of 2009, dated 23.11.2009 272 of 2013, dated 26.08.2013, 1 of 2020, dated 29.01.2020 and 2 of 2023, dated 04.03.2024]

[Defendants 11 to 13 are impleaded vide order dated 07.11.2024 by this Court]

**PRAYER:** Transferred Original Suit is filed under Clause 15 of the Letters Patent, a) directing the defendants to vacate and surrender possession of the suit property to the plaintiff without any let or hindrance; b) directing the defendants to pay the plaintiff a sum of Rs.2000/- towards past damages for use and occupation; c) directing the defendants to pay the plaintiff future damages from 1.7.79 till date of delivery of possession; d) directing the defendants to pay the plaintiff a sum of Rs.2010/- towards the arrears of water charges due as described in the particulars of valuation; e) directing the defendants to pay the plaintiff the



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costs of this action; and f)granting such other and further necessary reliefs.

(amended as per order in I.A.No.1 of 2020 dated 29.01.2020)

For Plaintiff : Mr.R.Suriya Narayanan

For Defendants : Mr.P.Kannan  
for Mr.S.Kadarkarai

### **JUDGMENT**

#### **A. Brief History of the Case:**

1. Forty-six years ago, this suit was filed as O.S. No.139 of 1979 on the file of the Principal Subordinate Judge, Srivilliputhur. This suit is filed by the plaintiff/landlord for the ejectment of the defendant/tenant. The plaintiff's case is that they rented out the vacant space for the defendant to put up a rice mill for monthly rent. Since there was a dispute between the parties, a notice of termination of tenancy was issued, and a suit for ejectment was filed. An application under Section 9 of the Tamil Nadu City Tenants Protection Act, 1921, to sell the property to the defendant was filed. The said O.P. was pending for long, and in the meanwhile, an amendment came whereby, if the property belongs to a 'religious charity', the applicability of the Act was retrospectively withdrawn. There were appeals and remands to the Lower Court in the said application, and on account of this, the case was pending for a long time.



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1.1 Whiles, aggrieved by the Order passed in an interlocutory application filed with prayers to reopen evidence and recall the witness in the said OP, C.R.P. (MD) No.1050 of 2023 was filed before the Court. Shocked by the fact that the proceedings were pending for such a long time, by an Order dated 12.07.2024, in the exercise of its powers under Section 24 of the Code of Civil Procedure, read with Article 227 of the Constitution of India; this Court withdrew the Suit as well as the OP proceedings to the file of this Court. Thus, the above application was re-numbered as the first Original Petition and the Suit as the first original suit in this Madurai Bench as T.C.T.O.P(MD) No.1 of 2024 and TR.O.S. (MD) No. 1 of 2024 and was taken up for further hearings.

1.2 First, evidence was completed in the TCTOP and after hearing the arguments by a Judgment dated 08.08.2024 the application filed by the tenant was dismissed by holding that the properties in question are dedicated for a religious charity.

### **B. The Trial Before this Court:**

2. Thereafter, the suit was taken up for disposal and the proceedings were conducted as follows :



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27-08-2024 - The Written statement was filed by the defendants along with the Vakalat, a written statement filed by the 7th defendant adopted by all the defendants.

27-08-2024 - The issues were framed.

09-09-2024 - The matter was adjourned for inspection and filing of Valuation report in respect of the building put up by the tenant.

10-09-2024 - Two Engineers filed separate reports which were taken on file as additional documents, adjourned to 12-09-2024 for examination of witnesses.

12-09-2024 – Trial Commenced. PW-1 Proof Affidavit filed.

18-09-2024 - P.W.1 was examined and cross-examined for the continuation of plaintiff's side evidence matter posted to 23-09-2024.

18-09-2024 – Since there was also chances of settlement, the matter was referred to Mediation, with a condition that the suit will proceed simultaneously.

25-09-2024 - Mediation report was filed, the matter could not be settled.

26-09-2024 - P.W.2 was examined. On a subsequent date, plaintiff's side was closed.

30-09-2024 – Defendant's side DW-1 Proof Affidavit filed.

15-10-2024 - D.W.1 was cross-examined, for further evidence on defendant's side, matter posted to 17-10-2024.

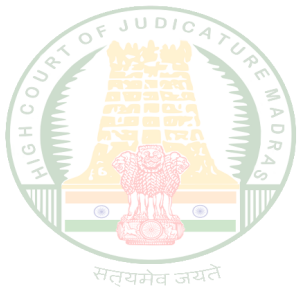
19-10-2024 - Arguments were heard in part.

21-10-2024 – Arguments concluded and the matter was reserved for orders

### **C. The Final Episode & Settlement:**

3. Since the Court noticed that there was a chance of settlement in the matter while reserving the Orders, the Court informed both sides learned counsel that the parties should be present in Court when the matter is listed for pronouncing judgment.

3.1 Accordingly, after preparation of the Judgment, the matter was listed for pronouncing judgment on 29/10/2024. The defendant was present physically,



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while the plaintiff joined virtually. It was represented to the parties that the Judgment is ready in the sealed cover and before opening and pronouncing the same, the Court will attempt to settle the issue and they come up with their options openly as the same will not in any manner prejudice the Court. With the assistance of the very competent learned counsel on either side, the parties arrived at a settlement. Since the plaintiff participated virtually, the matter is posted today for the recording of the settlement.

#### **D. The Discussion & The Result:**

4. Today, a joint compromise memo is filed. A perusal thereof, it is clear that the defendant has agreed to vacate and hand over the premises and the plaintiff has agreed to pay a total sum of Rs. 26,00,000/-. The defendant will be entitled to withdraw the sum already deposited by them in Court along with accrued interest. The plaintiff also waives the rental arrears.

4.1 All the parties and the learned counsel have signed the compromise memo. The sole plaintiff was examined on oath. He had understood the terms of the compromise and deposed that he voluntarily agreed to the compromise. The contesting seventh defendant was also examined on oath. He also understood the



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terms of the compromise and deposed that he voluntarily agreed to the compromise. Accordingly, the terms of compromise were recorded. The terms shall form part of the decree. The suit is decreed in terms of the joint memo of compromise. No costs.

### **E. Epilogue :**

5. That is the final twist in the tale of forty-six years. This case leaves this Court with mixed feelings. A little sad because the case has not received the manner of attention it ought to have received, in spite of being an old matter. Whenever we come across such old matters pending, we should neither be numb and casually further adjourn the matter, nor become over-defensive and dismiss every request that is made by the counsel resulting in more appeals being filed. Old matters require a little detailed pendency hearing by which we should try to understand what is the lis about and why is it pending and take it forward to its logical conclusion by giving due opportunity to the parties as per law.

5.1 A little happy because a 46-year-old conflict is resolved amicably and finally. The detailed opinion on merits prepared by the Court is destined to remain in the Sealed Cover, not to be opened and pronounced forever. ... Let it be!



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Neutral citation : Yes/No

To

The Subordinate Judge,  
Srivilliputtur.

**D.BHARATHA CHAKRAVARTHY, J.,**

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