

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5135 OF 2008

D. AYYAVU (D) BY LRS. APPELLANT(S)

VERSUS

THOLLA RAJAGOPAL CHETTIAR
TRUST BY ITS TRUSTEES RESPONDENT(S)

O R D E R

1. Heard learned counsel appearing for the parties.
2. The appellants are aggrieved by the judgment and decree passed by the Madurai Bench of the High Court of Judicature at Madras, dated 29.03.2006 in S.A. No. 1053 of 1992.
3. The respondents had preferred suits for recovery of possession of the suit property; recovery of balance rent and future agricultural profits.
4. The suit No. 2050 of 1981 was dismissed by the trial Court and the appeal being A.S. No. 118 of 1987 was also dismissed by the appellate Court. However, in Second Appeal,

the High Court took into consideration the Tamil Nadu City Tenants Protection (Amendment) Act, 1994 and on that basis decreed the suit and set aside the findings given by the Trial Court as well as by the First Appellate Court.

5. It is submitted by learned counsel for the respondents that in view of the amendment, the appellants have no right to remain in the suit premises.

6. The High Court did not go into the rights of the appellants and straightaway decreed the suit.

7. In our opinion, the High Court ought to have gone into the merits of the claim made by the appellants and ought not to have decreed the suit summarily.

8. In the circumstances, we set aside the judgment and decree passed by the High Court, remand the matter to the High Court for

consideration of the same on its own merits
in accordance with law.

9. The appeal is, accordingly, disposed of.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI,
JULY 19, 2017.

ITEM NO.104

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5135/2008

D. AYYAVU (D) BY LRS.

Appellant(s)

VERSUS

THOLLA RAJAGOPAL CHETTIAR TRUST BY ITS TRUSTEES

Respondent(s)

Date : 19-07-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. K.K. Mani, AOR
Mrs. T. Archana, Adv.

For Respondent(s)

Mr. C.S. Rajan, Sr. Adv.
Mr. S.D. Dwarakanath, Adv.
Dr. Kailash Chand, AORUPON hearing the counsel the Court made the following
O R D E RThe appeal is disposed of in terms of the
signed order.[Charanjeet Kaur]
A.R.-cum-P.S.[Madhu Narulal]
Branch Officer

[Signed order is placed on the file]