

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.721 of 2015

and

M.P. No.1 of 2015

1.K.Jayaraman

2.N.Mohan

.. Petitioners/Defendants

Vs.

D.Paneerselvam

.. Respondent/Plaintiff

Prayer:- This Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 18.04.2013 made in C.M.A.No.1 of 2011 on the file of the Principal Sub-Court, Chengalpattu and to confirm the order passed by the trial court in injunction petition viz., I.A.No.982 of 2010 in O.S.No.250 of 2010.

For Petitioners : Mr.M.Balasubramanian

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 18.04.2013 made in C.M.A.No.1 of 2011 on the file of the Principal Sub-Court, Chengalpattu and to confirm the

order passed by the trial court in injunction petition viz., I.A.No.982 of 2010 in O.S.No.250 of 2010.

2.The respondent herein as a plaintiff filed a suit in O.S.No.250 of 2010 for declaration that the sale deed dated 09.04.2008 executed by the first defendant in favour of the second defendant on the strength of power of attorney fraudulently obtained from the plaintiff as null and void and not legally binding the plaintiff and consequently, mandatory injunction directing the defendants to return the original sale deed dated 23.11.2006 on the file of S.R.O., Tirupporur to the plaintiff and also for permanent injunction restraining the defendants from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property. Along with the suit, the plaintiff/respondent herein has filed an application in I.A.No.982 of 2010 for ad interim injunction restraining the defendants from any manner dealing with the petition mentioned property and also another application in I.A.No.983 of 2010. The trial Court after hearing both sides, dismissed both the applications against which, the plaintiff/respondent herein has preferred C.M.A.Nos. 1 and 2 of 2011. The first appellate Court, after hearing both sides, allowed

C.M.A.No.1 of 2011 and dismissed C.M.A.No.2 of 2011. Challenging the order passed in C.M.A.No.1 of 2011, the present revision petition is preferred by the revision petitioners/defendants.

3.At the time of admission, argument of the learned counsel for the revision petitioners is heard in length.

4.Considering the submissions made by the learned counsel for the revision petitioners and on perusal of the typed set of papers, the first appellate Court has rightly held that since the respondent herein has challenged the power of attorney alleged to be executed by him and also in pursuance of the power of attorney, sale deed is executed in favour of second defendant by the first defendant, C.M.A.No.1 of 2011 is allowed to avoid future litigation. In my view, the findings rendered by the first appellate Court does not warrant any interference and the same is hereby confirmed.

5.At the time of arguments, the learned counsel for the revision petitioners has fairly conceded the above aspect and he sought for early disposal of the suit.

R.MALA,J.

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6. Recording the submission made by the learned counsel for the revision petitioners, the order dated 18.04.2013 in C.M.A.No.1 of 2011 is hereby confirmed. The trial Court is directed to dispose of the suit in O.S.No.250 of 2010 within a period of six months from the date of receipt of a copy of this order, in accordance with law after giving fair opportunity to both sides.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

03.11.2015

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To
The Principal Sub-Court, Chengalpattu.

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