

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2015

CORAM

THE HONOURABLE MS. JUSTICE R. MALA

S.A.No.198 of 2015

and

M.P.No.1 of 2015

Anjalakshi

...Appellant/Plaintiff
in Trial Court

Vs

1.Adalarasan
2.Noori
3.Jayarani
4.Ganapathy
5.Baby Ammal
6.Vanathi
7.Bommi
8.Murali

...Respondents/Defendants
in Trial Court

Prayer: Second Appeal filed under Section 100 of C.P.C. against the Judgment and decree dated 10.06.2014 made in A.S.No.35 of 2013 on the file of the II Additional Sub-Court, Cuddalore, confirming the judgment and decree dated 07.02.2013 in O.S.No.491 of 2008 on the file of the Principal District Munsif Court, Cuddalore.

For Appellant सत्यमेव जयते : Mr.D.Ravichander

JUDGMENT

This Second Appeal arises out of the Judgment and decree dated 10.06.2014 made in A.S.No.35 of 2013 on the file of the II Additional Sub-Court, Cuddalore, confirming the judgment and decree dated 07.02.2013 in O.S.No.491 of 2008 on the file of the Principal District Munsif Court, Cuddalore.

2.Learned counsel for the appellant/plaintiff submits that the suit is filed for bare injunction stating that the appellant/plaintiff is the owner of the suit property and the

respondents/defendants are attempted to interfere with her peaceful possession and enjoyment of the suit property. The appellant/plaintiff has filed Exs.A2, A3/Kists receipts, Ex.A4/chitta, Exs.A13, A14 and A17/Adangal and Ex.A19/land possession certificate given by V.A.O. to prove that she is in possession and enjoyment of the suit property. But the above documentary evidence were not considered by both the Courts below. She further submits that she has a fair chance of success in the appeal and hence, she prayed for admission.

3.Considered the submissions made by the learned counsel for the appellant and perused the typed set of papers.

4.It is seen from the records that the suit was filed as if the appellant/plaintiff has purchased the property under Ex.A1 sale deed dated 05.01.1983 and from the date onwards, she is in possession and enjoyment of the same.

5.According to the defendants/respondents herein, the plaintiff executed the power of attorney deed on 04.07.2002 in favour of first defendant/Adalarasan under Ex.B1 and on that basis, the first defendant/Adalarasan has sold the property in favour of other defendants. Then only, the appellant/plaintiff filed reply statement.

6.Considering the aforestated circumstances of the case, I am of the view, the appellant/plaintiff has come to the Court with unclean hands. The person who sought for injunction (i.e.) equitable relief has to come to the Court with clean hands. Furthermore, on the basis of the power of attorney deed which was executed in favour of the first defendant and before revocation of the same, the first defendant sold the property to the other defendants on 16.11.2005 and since then, they are in possession and enjoyment of the suit property. In such circumstances, there is no question of law arises in this case. Hence, I do not find any merits in the appeal. Accordingly, the Second Appeal is dismissed in the admission stage itself. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kj

To

1.The II Additional Subordinate Judge,
Cuddalore.

2.The Principal District Munsif,
Cuddalore.

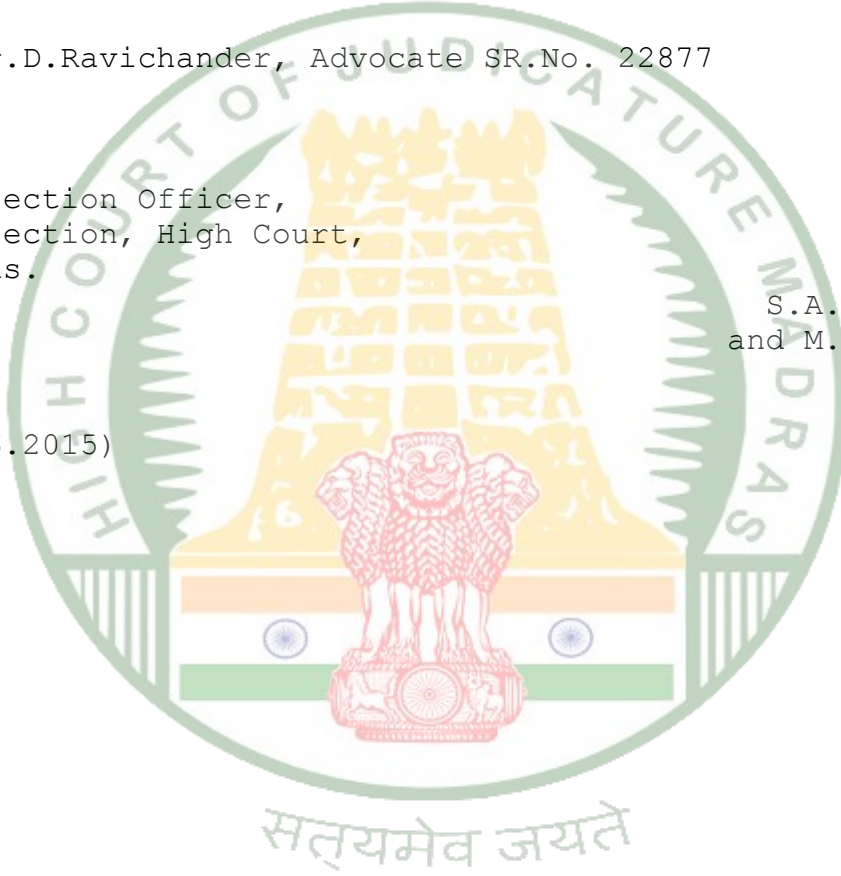
1 CC to Mr.D.Ravichander, Advocate SR.No. 22877

Copy to

The Section Officer,
V.R.Section, High Court,
Madras.

S.A.No.198 of 2015
and M.P.No.1 of 2015

JP (CO)
PSI (03.06.2015)



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