

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.2151 & 2152 of 2016
and
C.M.P.Nos.11211 & 11212 of 2016

S.K.Chandrakumar
S/o.Krishnamurthy

... Petitioner in both revisions

VS

1.N.Jayalakshmi
W/o.Late Nanjaiyyan

2.S.N.Pangajavalli
D/o.Late Nanjayyan

3.A.Jayalakshmi
W/o.S.S.Arumugam

4.S.S.Arumugam
S/o.Subramania Chettiar

... Respondents in both revisions

Civil Revision Petitions filed under Article 227 of the Constitution of India against the orders of learned III Additional District & Sessions Judge, Gopichettipalayam, passed in I.A.Nos.891 & 892 of 2013 in O.S.No.241 of 2013 on 08.01.2016.

For Petitioner : Mr.T.Gowthaman

ORDER

These revisions arise against the orders of learned III Additional District and Sessions Judge, Gopichettipalayam, passed in I.A.Nos.891 and 892 of 2013 in O.S.No.241 of 2013 on 08.01.2016.

2. Petitioner/plaintiff has moved O.S.No.241 of 2013 on the file of learned III Additional District and Sessions Judge, Gopichettipalayam, seeking a declaration that the sale deed in respect of 'C' schedule property executed by defendants 1 and 2 in favour of defendants 3 and 4 is null and void and for other consequential reliefs. Therein, he had moved I.A.Nos.891 and 892 of 2013 complaining of acts of disturbance caused to his possession of property, intent of defendants to encumber the same and sought interim injunction. The Court below had treated such applications as closed informing that the case stood posted for trial. There against, these revisions have been filed.

3. Heard learned counsel for petitioner.

4. Learned counsel for petitioner submits that in a collusive action, third

party interest has been created over the property and such persons are now interfering with the petitioner's possession.

The Civil Revision Petitions shall stand disposed of with the observation that it would be open to petitioner/plaintiff to move the Court below afresh by way of interlocutory application informing the change of circumstance and seek remedy at the hands of such Court. Any application so moved shall be dealt with by the Court below on merits and with expedition. The Court below may deal likewise with the suit. No costs. Consequently, connected miscellaneous petitions are closed.

27.07.2016

Index:yes/no
Internet:yes
gm

To
The III Additional District and Sessions Judge,
Gopichettipalayam.

C.T.SELVAM, J

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