

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

**C.R.P.(P.D.) No.2692 of 2016 and**  
**CMP.No.13952 of 2016**

1.B.Santharam  
2.B.Yuvaraj  
3.B.Kamala @ Kamalam

...Petitioners

versus

1.Arun Prakash  
2.Jayanirmala  
3.Dhanabal  
4.Gokilavani  
5.Sundararajan  
6.Vinod Kumar  
7.Meenakshi  
8.Nagaraj

...Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 27.11.2015 made in C.M.A.No.24 of 2014 on the file of I Additional District and Sessions Judge, Coimbatore confirming the fair and decreetal order dated 22.09.2014 made in I.A.No.1155 of 2013 in O.S.No.1517 of 2013 on the file of Principal Subordinate Judge at Coimbatore.

For Petitioners : Mr.S.Mukunth for  
M/s.Sarvabhauman Associates

**ORDER**

This Civil Revision Petition is directed against the decreetal order dated 27.11.2015 in C.M.A.No.24 of 2014 on the file of the I Additional District and Sessions Court, Coimbatore, confirming the order dated 22.09.2014 in I.A.No.1155 of 2013 on the file of the learned Principal Subordinate Judge, Coimbatore.

2. Heard the learned counsel for the petitioners.

3. The petitioners filed a suit in O.S.No.1517 of 2013 before the Sub-Court at Coimbatore praying for a decree of declaration with regard to the nullity of Sale Deeds stated to have been executed by the first respondent. The suit was contested by the respondents by filing written statement. The petitioners filed an application in I.A.No.1155 of 2013 praying for an order restraining the respondents from interfering with their peaceful possession and enjoyment of the property. The Trial Court dismissed the application. The First Appellate Court considered the entire background facts and upheld the order passed by the Trial Court.

4. The Courts below concurrently found that the petitioners have

suppressed certain material facts with regard to the execution of Sale Deeds and as such, they are not entitled to an order of injunction. The Trial Court as well as the First Appellate Court arrived at a factual finding with regard to the claim of possession of the property made by the petitioners. Those findings were given on the basis of materials. The Trial Court and the First Appellate Court concurrently held that the petitioners failed to prove a *prima facie* case of possession so as to restrain the respondents from interfering with their peaceful possession and enjoyment of the property during the currency of the said suit.

5. There is no question of re-appreciating the materials once again by invoking the revisional jurisdiction under Article 227 of the Constitution of India. I am therefore of the view that there is no merit in the Civil Revision Petition.

6. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2016

Index : Yes/No  
svki

**K.K.SASIDHARAN, J.**

(svki)

To

1.The I Additional District and Sessions Judge, Coimbatore

2.The Principal Subordinate Judge at Coimbatore.

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