

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.11.2016**

CORAM:

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

C.R.P.(P.D.) No.3457 of 2016 and
CMP.No.17604 of 2016

Vijayaraghavan

...Petitioner

versus

D.Panneerselvam

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the decree and judgment dated 15.04.2016 made in C.M.A.No.52 of 2013 on the file of III Additional Sub-Court, Mettupalayam confirming the fair and decreetal order dated 13.09.2013 made in I.A.No.92 of 2013 in O.S.No.40 of 2013 on the file of District Munsif Cum Judicial Magistrate Court, Mettupalayam.

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

ORDER

The respondent filed a suit for injunction against the petitioner. In the said suit, the respondent filed an application in I.A.No.92 of 2013, praying for an order of interlocutory injunction. The Trial Court granted injunction after hearing the petitioner. The order was taken up

by the petitioner in C.M.A.No.52 of 2013. The learned III Additional Subordinate Judge, Mettupalayam, upheld the order passed by the Trial Court. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner.

3. The respondent laid a suit against the petitioner claiming that he is in possession of the suit property. The petitioner, on the other hand, indicated that the respondent is in permissive occupation of the property in question. The respondent appears to have produced documents obtained from the Village Administrative Officer to prove his possession. The Trial Court as well as the Appellate Court considered those documents in the light of the case pleaded by the petitioner with regard to permissive occupation and granted injunction. It is not as if there were no materials before the Trial Court to grant injunction. I am therefore of the view that no interference is called for in the judgment in C.M.A.No.52 of 2013 confirming the order in I.A.No.92 of 2013.

4. The learned counsel for the petitioner submitted that the Trial Court made certain sweeping observations, which would prejudice the

case of the petitioner during trial.

5. The learned District Munsif cum Judicial Magistrate, Mettupalayam is directed to dispose of the suit in O.S.No.40 of 2013 as expeditiously as possible, uninfluenced by the observation contained in the order in I.A.No.92 of 2013 and the related judgment in C.M.A.No.52 of 2013.

6. The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2016

Index : Yes/No
svki

To

- 1.The III Additional Sub-Court, Mettupalayam
- 2.The District Munsif Cum Judicial Magistrate Court,
Mettupalayam

K.K.SASIDHARAN, J.
(svki)

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