



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twentieth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.3156 of 2016
IN
AS(MD) No.45 of 2016

MALA

... PETITIONER/APPELLANT.

Vs

1 TAMILARASI
2 KAVITHA
3 DEVI,
4 USHA,
5 KARTHICK,
6 S.RATHINAVEL
7 V.CHANDRASEKARAN,

... RESPONDENTS/RESPONDENTS.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order for interim injunction restraining the respondents from interfering the petitioners joint possession and enjoyment of the suit properties in O.S.No.3 of 2011 on the file of II Addl.District Court, Trichirappalli till the disposal of the AS(MD) No.45 of 2016 by this Honourable Court and thus render justice.

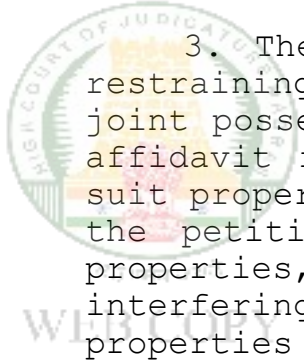
Prayer in AS(MD) No.45 of 2016:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to allow the appeal and set aside the judgment and decree of the Trial Court, the II Additional District Court, Tiruchirappalli in O.S.No. 3 of 2011 dated 30.06.2015 and decree the suit of the plaintiff.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. V.SINGAN, Advocate for the petitioner, the court made the following order:-

This miscellaneous petition is for interim injunction restraining the respondents from interfering with the petitioner's joint possession and enjoyment of the suit properties.

2. The petitioner filed a suit for partition and aggrieved by the Judgment and Decree of the Lower Court dismissing the suit in respect of certain items of suit properties, she has preferred the above appeal.



3. The present miscellaneous petition is only for injunction restraining the respondents from interfering with the petitioner's joint possession and enjoyment of the suit properties. Even in the affidavit filed in support of this petition, it is stated that the suit properties are in joint possession. When it is not the case of the petitioner that she is in exclusive possession of the suit properties, interim injunction restraining the respondents from interfering with her peaceful possession and enjoyment of the suit properties cannot be granted. Hence, this miscellaneous petition is dismissed.

4. However, considering the limited scope of the appeal, this Court directs the Registry to post the appeal on 20.10.2016 for final disposal.

sd/-

20/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE II ADDITIONAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.

+1. C.C. to M/S.R.SUNDAR SRINIVASAN, Advocate SR.No.53595

ORDER

IN

CMP(MD) No.3156 of 2016

IN

AS(MD) No.45 of 2016

Date :20/09/2016

AM/DB/SAR-III/22.09.2016/2P/3C