

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M. SATHYANARAYANAN

CMP No.1127 of 2017

IN SA.38/2017

1 R.MOHANASUNDARAM [PETITIONERS]

2 R.SRIDHAR

Vs

1 DHINASANGU [RESPONDENTS]

2 PERUMAL

3 M.SAMIYAPPAN

4 R.SAMIYAPPAN

5 RAJA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction restraining the respondents herein their agents, men servants representatives or any one acting on their behalf from interfering with the peaceful possession and enjoyment of the properties mentioned in the plaint schedule in OS NO.150/2012 District Munsif, Nagapattinam in (CMP NO.1127/2017 in SA NO.38/2017.

(SCHEDULE OF PROPERTY XEROX COPY ALREADY SENT)

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 S.S.SWAMINATHAN, Advocate for the petitioner and of Respondents not Appearing either in person or by an Advocate the court made the following order:-

The Learned counsel for the appellant / Plaintiff would submit that in the suit filed before the Trial Court for permanent injunction was decreed partly, the Lower Appellate Court, without assigning proper reason, reversed judgment and decree passed by the Trial court. Since the plaintiff is not in possession, prays for continuance of interim order.

2 This Court vide order dated 31.01.2017, has granted interim order of status quo. The learned counsel appearing for the petitioner has drawn the attention of this Court to para No.4 of the affidavit and taking advantage of the Judgment and Decree passed by the Lower Appellate Court, the respondents/defendants are trying to interfere with the possession and enjoyment of the suit property, prays for extension of the interim order till the disposal of the Second Appeal.

4 Though the respondents have been served and their names appear in the cause list, there no representation on their behalf.

5 In the light of the above facts and circumstances, interim order of status granted on 31.01.2017 is made absolute.

6 The Registry is directed to call for the records Courts below for expediting the disposal of the Second Appeal.

-sd/-

22/03/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNISF
NAGAPATTINEM.

2 THE SUBORDINATE JUDGE,
NAGAPATTINAM.

3 THE SECTION OFFICER
VR SECTION, HIGH COURT,
CHENNAI-104.

C.C. to M/S S.S.SWAMINATHAN Advocate on SR NO.3891

Order

in
CMP.1127/2017

in
SA.38/2017

Date :22/03/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 03.02.2017
ADD 28.03.2017