

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.02.2017**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

CRP PD No.412 of 2017
and
C.M.P.No.1894 of 2017

Sudha

.. Petitioner

vs

1. M.E.Sarashwathy
2. Ganesh Kumar
3. The Sub Registrar
Office of the Sub Registrar
No.62, Perambur Barracks Road
Purasawalkam
Chennai 600 084.

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the decree and judgment dated 12.08.2016 passed by the learned XVIII Additional Judge, City Civil Court, Chennai in CMA No.91 of 2015 in reversing the fair and decretal order dated 27.07.2015 passed by the learned XV Assistant Judge, City Civil Court, Chennai in I.A.No.18909 of 2014 in O.S.No.6991 of 2014.

For Petitioner : Mr.K.P.Gopalakrishnan

For Respondents : Mr.V.Raghavachari
for Mr.Era Meyappan

ORDER

The plaintiff, who is the respondent before the first appellate court, aggrieved by the order passed by the appellate court in reversing the interim injunction granted by the trial court has filed the above revision.

2. The revision petitioner/plaintiff herein filed the suit in O.S.No.6991 of 2014 for a declaration declaring that the sale deed dated 13.12.2011 registered on 14.12.2011 as Document No.4849 of 2011 is not binding on her and for a permanent injunction and other reliefs. Pending suit, she also filed I.A.Nos.18909 and 18910 of 2014 seeking interim injunction as against the respondents 1 and 2 herein, who are the defendants from dispossessing her from the suit scheduled property and also an injunction restraining the respondents 1 and 2 from

registering any document before the 3rd respondent. The trial court below granted interim injunction in I.A.No.18909 of 2014 till the disposal of the suit and dismissed I.A.No.18910 of 2014. Aggrieved by the same, the second defendant filed an appeal in CMA No.91 of 2016 and the Appellate Court, after hearing both sides, had set aside the order passed by the Trial Court. Challenging the same, the plaintiff has filed the present revision.

3. Heard both sides.

4. When the matter is taken up today for hearing, Mr.V.Raghavachari, the learned counsel appearing for the respondents/Caveator represented that the defendants 1 and 2 have no intention to dispossess the revision petitioner and her son from the suit scheduled property and he also undertook that they will not be evicted from the suit premises, till the disposal of the suit.

5. The undertaking given by the learned counsel for the respondents/defendants is recorded.

6. Having regard to the submission made by the learned counsel for the respondents/Caveator and also taking into account the fact that the scope of the revision itself is only against the order passed in an injunction application, without going into the merits of the matter, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23.02.2017

vj2

Index: yes/No

Internet: yes

To

1. The XVIII Additional Judge, City Civil Court, Chennai
2. The XV Assistant Judge, City Civil Court, Chennai

PUSHPA SATHYANARAYANA,J.,

vj2

CRP PD No.412 of 2017

23.02.2017

<http://www.judis.nic.in>