

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2017

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Review Application No.209 of 2015
in
C.M.A.No.989 of 2015

1.K.Ramar
2.Murugavalli

... Applicant

Vs

1.Panchali Ammal
2.Errammal
3.Kuppammal
4.Valarmathi

... Respondents

Petition filed under Order 47 Rule 1 of CPC r/w Section 114 CPC to
review the Judgment and decree dated 09.06.2015 passed in
C.M.A.No.989 of 2015.

For Petitioner : Mr.D.S.Philip

for Mr.R.Subramanian

For Respondents : Mr.P.Valliappan

ORDER

The review application has been filed seeking to review the order passed in C.M.A.No.989 of 2015 which has been filed against the order of interim injunction restraining the review petitioner in any manner putting up construction in the suit property pending disposal of the partition suit in O.S.No.155 of 2014 filed by the respondents herein being made absolute.

2. The original suit was filed by the respondents seeking partition and in the said suit, an order of interim injunction was obtained by the respondents and that was made absolute. That order making injunction absolute was challenged in the above appeal and on merits, this Court dismissed the appeal on 09.06.2015. The said order is sought to be reviewed in this review petition.

3. Heard Mr.S.D.S.Philip, learned Counsel for Mr.R.Subramanian, learned Counsel for the Petitioner and Mr.P.Valliappan, learned counsel for the respondents.

4. After perusing the records, this Court is unable to find any irregularity or material defects to review the order and therefore the review petition is liable to be dismissed and accordingly, it is dismissed. However, taking into consideration that the CMA.No.989/2015 is against the order of interim injunction, it is made clear that the observations made in the judgment passed in the Appeal is confined to disposal of appeal only and it will not have any bearing on the merits of the case.

5. Considering the fact that the Suit has been filed in the year 2014 itself, it is appropriate to direct the Principal District Judge, Cuddalore, to dispose of the Suit in O.S. No. 155 of 2014, on or before 31.03.2018. No costs.

06.10.2017

sai

To

The Principal District Judge,
Principal District Court
Cuddalore.

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N.KIRUBAKARAN,J

tkp/sai



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