



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.10829 of 2017
IN
SA(MD) No.100 of 2016

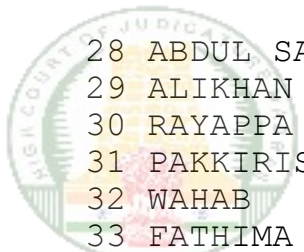
1 HAJEE MOHAMMED GHOUSE,
GORI SAHIB DURGA TRUST
BY J.GHULAM MOHAMMED,
REP BY POWER OF ATTORNEY AGENT,
MOTHI JAN

2 J.MEERA MUZAFAR ALI

... PETITIONERS /PETITIONERS/
APPELLANTS

Vs

1 SHERFUDDIN @ GHOUSE BASHA,
S/O.SYED GHULAM MOHAMMED
2 ABVAS BASHA
3 JANI BASHA
4 MOHIDEEN BASHA
5 HABIBUNNISA (DIED)
6 HALIMUNNISAN (DIED)
7 ABDUL UNNISA
8 DHANNAM
9 PERIAKKA
10 ANJALAI
11 LAKSHMI
W/O.MANICKAM
12 LAKSHMI
W/O.SOUNDARARAJAN NAIDU
13 AMEER
14 RASHEED
15 SHANSUDEEN
16 RAHIM CYCLE SHOP
17 DHANAM
18 NARSHIMHAN
19 RAJESWARI
20 MUTHIAN
21 THIRUMALAI MUDALIAR
22 SAHARBHAN BIBI
23 KALIRAJAN
24 DHANAKODI
25 GOPAL ACHARI
26 AMELERUDIN
27 PONNAIAH



28 ABDUL SATHAR
29 ALIKHAN
30 RAYAPPA ASARI
31 PAKKIRISAMI PILLAI
32 WAHAB
33 FATHIMA BI
34 SYED JAFFAR
35 GANESAN TEA STALL
36 NATARAJAN
37 C.RAMADURAI
38 VASUDEVAN
39 RENGANAYAKI
40 MARIYAM BI

(IMPLEADED AS PER ORDER

IN IA.NO.217/90 DATED.17.9.1990)

41 YUSUFF ABDUL KAREEM
42 ARIFF ABDUL KAREEM
43 HUSSAIN ABDUL KAREEM
44 AHMED ABDUL KAREEM
45 HANEEF ABDUL KAREEM
46 KATHEEJA IQBAL ABDUL KAREEM
47 UMAR IQBAL
48 THABUSAM IQBAL
49 MOHAMMODA
50 AZEEZ BATCHA
51 ELIYAZBASHA
52 ABDUL HAMEED
53 K.M.ABBAS
54 SYED BADRUDEEN

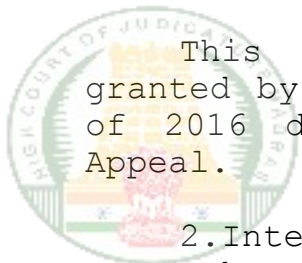
... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the interim order granted by this Honourable Court in CMP (MD) No.3647 of 2016 in SA(MD) No.100 of 2016 dated 20.4.2017 pending disposal of the above second appeal and pass such further or other orders as this Honourable Court deems fit and proper in the circumstances of the above cases and thus render justice.

Prayer in SA(MD). 100/ 2016 :

To prefer this memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.136 of 2005 on the file of the Learned I Additional District Judge (PCR), Tiruchirapalli dated 05.06.2007 partly allowing the appeal against the Judgment and Decree passed in O.S.No.1034 of 1979 on the file of I Additional Subordinate Judge, Trichirapalli dated 27.11.2003.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.PRAKASH, Advocate for the petitioner and of Mr.AJMAL KHAN, Senior Counsel for M/S AJMAL ASSOCIATES on behalf of the Respondents 41 to 48, court made the following order:-



This petition has been filed to extend the interim order granted by this Court in C.M.P(MD)No.3647 of 2016 in S.A(MD)No.100 of 2016 dated 20.04.2017 pending disposal of the above Second Appeal.

2.Interim order was granted on 20.04.2016 directing the respondent to maintain Status-quo for six weeks. Subsequently, the interim order was not extended. The petitioner has come forward with this petition seeking to extend the said order dated 20.04.2016, to maintain Status-quo.

3.The petitioner/plaintiff further states that taking advantage of the non-extension of the interim order, the respondents are taking attempts to put up constructions in the place which is meant only for religious purpose. Hence, the petitioner sought for extension of status-quo. However, the learned counsel for the respondent contented that the initial order of status-quo granted was lapsed and now it cannot be extended. Further the learned counsel appearing for the respondents undertook to maintain the position as it is he will and advise the respondent not to put up any new construction. The said oral undertaking given before this Court is recorded and taken into consideration by this Court.

4.In such circumstances, this Court is not inclined to allow this petition.

5.Accordingly, in view of the undertaking given by the learned counsel for the respondent, this petition is closed.

sd/-

24/11/2017

/ TRUE COPY /

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

TO

- 1 THE FIRST ADDITIONAL SUBORDINATE JUDGE ,
TIRUCHIRAPALLI
- 2 THE FIRST ADDITIONAL DISTRICT JUDGE (PCR) ,
TIRUCHIRAPALLI

JAM/19.12.17/-PM-PN/SAR 3/ 3P-3C

ORDER

IN

CMP (MD) No.10829 of 2017

IN

SA(MD) No.100 of 2016

Date :24/11/2017