



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

Monday, the Seventeenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.2752 of 2017

IN

SA No.1907 of 2002

M.KASTHURI

... PETITIONER/APPELLANT

Vs

ARULMIGHU SWAMINATHA SWAMI DEVASTHANAM,
SWAMIMALAI,
REP. BY ITS ASST. COMMISSIONER,
KUMBAKONAM TALUK,
THANJAVUR DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to carry out the repair work in the house property which is situate in Door No.22A (Old No.22) and comprised in Natham RS.No.128/6 east-west 40 ft and South-North 30 ft at melaveethi, Swamimalai Town, Kumbakonam Taluk, Thanjavur District, pending disposal of the above second appeal.

PRAYER IN SA.NO.1907/2002 :

Memorandum of Grounds of Second Appeal against the Judgement and Decree made in A.S.No.168 of 2000, on the file of the Subordinate Court, Kumbakonam, dated 10.9.2001, confirming the Judgment and Decree of learned District Munsif, Kumbakonam, in O.S.No.241 of 1997 and dated 09.08.1999.

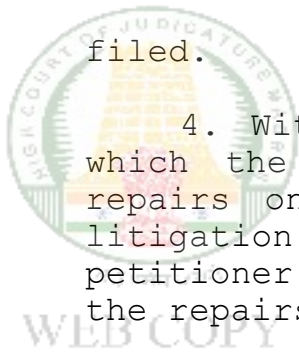
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SIVA THILAKAR, Advocate for the petitioner and Respondent not appeared in person or by an Advocate the court made the following order:-

This Petition is filed by the petitioner/appellant seeking to make some repairs in the suit property.

2. The petitioner, as plaintiff has filed a suit for permanent injunction restraining the respondent from interfering with the plaintiff's peaceful possession and enjoyment of the suit property. She successively lost before the courts below. She has now moved this application for effecting some repairs in the suit property.

<https://hcservices.ecourts.gov.in/hcservices/>

3. None appears for the respondent and no counter has been



filed.

4. Without going into the merits and the cause of action on which the suit was filed, the petitioner is permitted to make repairs only for the sake of preservation of subject matter of litigation. It is made clear that in the eventuality of the petitioner losing her appeal, she will not be entitled to costs for the repairs to be undertaken.

sd/-

17/04/2017

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, KUMBAKONAM

2 THE DISTRICT MUNSIF, KUMBAKONAM

+1. C.C. to M/S.S.SIVA THILAKAR Advocate SR.No.20385

CSL/KKR/SAR-3-20.4.17-2P-4C

ORDER

IN

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IN

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Date :17/04/2017