



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

Tuesday, the Fourth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.5387 of 2017

IN

AS(MD) No.244 of 2015

M.SAMYDURAI

... PETITIONER/RESPONDENT

Vs

M.DARMARAJ

... RESPONDENT/APPELLANT

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 repair the roof and other incidental repair work in Item No.3 of the B schedule suit property in Plot No.51 and to extent of 871 sq.ft. situated in Survey No.24, Gudalur village, chengalpattu Taluk, Kancheepuram District pending disposal of the above appeal.

PRAYER IN AS(MD) No.244 of 2015:First Appeal against the decree and judgment dated 29.4.2015 made in O.S.No.26 of 2012 on the file of Additional District Court, Pudukkottai.

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.R.DEVARAJ, Advocate for the petitioner and of Mr.P.Thiagarajan, Advocate for the respondent, the court made the following order:-

Both counsels would submit that the renovation work can be done in respect of each of their respective portions. There is no difficulty to permit both. As on today, they ave the status of the co-owners, though, the appellant case is that one of the exclusive title, which is a matter to be decided at the time of appeal.



WINDCOM

In such view of the matter, this petition is ordered by permitting both the petitioner and the respondent to put up repair works in item No.3 of the 'B' schedule property to their respective portions. However, it is made clear that the parties shall not claim any equities.

sd/-
04/07/2017

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE
PUDUKKOTTAI

+1. C.C. to M/S.R.DEVARAJ Advocate SR.No.25885

sm:RR-BS:SAR 3:6.7.2017:2p/3c

ORDER
IN
CMP (MD) No.5387 of 2017
IN
AS (MD) No.244 of 2015
Date :04/07/2017