



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

Thursday, the Twenty Ninth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

WEB COPY

CMP(MD) Nos.58 of 2016 and 1814 of 2017
IN
SA(MD) No.2 of 2016

INDHIRAN

... PETITIONER/APPELLANT

Vs

1 KARIYA GOUNDER
2 ALAGUMALAI
3 MUNIYANDI
4 KARUPPAIAH
5 KRISHNA EDUCATIONAL AND SOCIAL TRUST,
THROUGH ITS MANGING TRUSTEE
HAVING ITS OFFICE AT 14, JEYANAGAR,
PONMENI, MADURAI TOWN.

6 CHINNAMMAL
7 SUBBAIAH
8 VELLAYAN
9 PANDIYAMMAL
10 PRADEEP
11 NAGAJOTHI

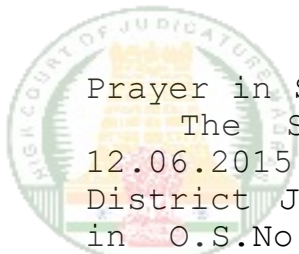
... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD)No.58 of 2016:- Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of temporary injunction restraining the respondents their men or agents from in any manner alienating or encumbering the properties subject matter of suit in O.S.No.522/2001 on the file of the Additional Sub Court, Dindigul and A.S.No.25 of 2011 on the file of Additional District Judge, Dindigul pending disposal of this SA(MD)No.2 of 2016.

(Xerox copy of Schedule of Property enclosed)

Prayer in CMP(MD)No. 1814/ 2017 :

To pass an order of temporary injunction restraining the 5th respondent their men or agent from in any manner altering the nature and physical features of the properties mentioned in the petition pending disposal of the second appeal



Prayer in SA(MD) No.2 of 2016:-

The Second Appeal against the judgment and decree dated 12.06.2015 passed in A.S.No.25 of 2011 on the file of Additional District Judge, Dindigul confirming the judgment and decree passed in O.S.No.522 of 2001 dated 25.03.2011 on the file of the Additional Sub Court, Dindigul.

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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. H.LAKSHMI SHANKAR, Advocate for the petitioner/Appellant and of M/S.R.T.ARIVU KUMAR, Advocate on behalf of the fifth Respondent the court made the following order:-

The plaintiff, who lost a suit for partition successively before the Courts below has come forward with this appeal. He claims 1/12th share in the suit property in all the suit properties. Presently, he has come forward with two miscellaneous petitions for seeking interim injunction.

2. Heard the learned counsel for the petitioner and the learned counsel for the fifth respondent. The learned counsels appearing for other respondents did not appear today.

3. On hearing both sides, it appeared that the fifth respondent has purchased item Nos.7 to 11 and 13 to 19 of the plaint A-schedule and has constructed a school and running the same. Presently, a new Block is being built within the school premises. Besides this property, there are other properties in all which the plaintiff is claimed 1 upon 12 shares which are hold by other coparcener.

4. The learned counsel for the fifth respondent submitted that his client has given consent to consider the claim of the appellant as regards his 1 upon 12 share. Therefore, the dispute vis-a-vis item Nos.7 to 11 and 13 to 19 of the plaint A-schedule is referred to Mediation and Conciliation Centre attached to this Bench for amicable settlement. As regards running the school, the present status will be continued. As to the rest, there shall be an order of interim injunction directing the other respondents not to alienate or not to alter the physical features of the properties other than the one involved in the mediation process.

These petitions are ordered accordingly.

sd/-
29/06/2017

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT JUDGE, DINDIGUL.

2 THE ADDITIONAL SUBORDINATE JUDGE, DINDIGUL.

+1. C.C. to M/S. H.LAKSHMI SHANKAR Advocate SR.No.25446

+1. C.C. to M/S. R.T.ARIVU KUMAR Advocate SR.No.25478

PJL

CSL/CM/SAR-I/03.07.2017 : 3P/5C

ORDER

IN

CMP(MD) Nos.58 of 2016 and 1814/2017

IN

SA(MD) No.2 of 2016

Date :29/06/2017