



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

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

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) Nos.6918 and 6919 of 2016

IN

AS(MD) No.106 of 2016

1 S.NAGAMMA NAICKER
2 N.RAJU
3 N.NATARAJAN

.. PETITIONERS/APPELLANTS in all petitions

Vs

1 C.NAGAMMA NAICKER
2 BOMMURAJ

KANNAIYAN (DIED),
DEVARAJ (DIED)
BOMMA NAICKER (DIED)

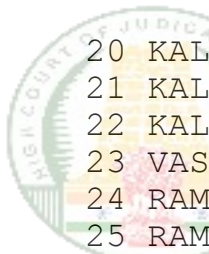
3 NAGAPPAN
4 SOOLAMA NAICKER,
5 SAROJA
6 MACHAMMAL
7 RAJAMMANI
8 CHANDRA
9 RAMESH
10 ERRAMA NAICKER
11 SAKTHIVEL
12 SARASU

PALANIYAMMAL (DIED)

13 BOMMAYEE
14 MUTHAMMAL

RAJU @ MURUGESAN (DIED)

15 SOOLAMA NAICKER
16 BOMMURAJU
17 NAGAPPAN
18 KANNAMMAL
19 MEENATCHI



- 20 KALI NAICKER
21 KALIYAMMAL, W/O.NAGAMMA NAICKER
22 KALIYAMMAL, W/O.BOMMA NAICKER
23 VASANTHI
24 RAMESH
25 RAMYA
26 SAKTHI
27 MINOR.SURESH (AGED 7 YRS)
S/O.LATE.RAJU @ MURUGESAN,
(REP BY HIS NEXT FRIEND & NATURAL GUARDIAN R23)
28 RAJU,S/O.BOMMA NAICKER,
29 RAJU,S/O.BOMMA NAICKER,
30 PALANISAMY
31 MUTHAMMAL
32 RAMASAMY,
33 BOMMAKKAL
34 MINOR.SARASU, S/O.LATE.PALANISAMY,
35 MINOR.KARTHICK, S/O.LATE.PALANISAMY,
(R34&35 REP BY THEIR NEXT FRIEND &
NATURAL GUARDIAN MOTHER R33)

36 STATE OF TAMILNADU REP BY
DISTRICT COLLECTOR, COLLECTORATE,
THANTHONIMALAI POST, KARUR.

37 DISTRICT REVENUE OFFICER,
COLLECTORATE, THANTHONIMALAI POST, KARUR.

38 REVENUE DIVISIONAL OFFICER,
KARUR REVENUE DIVISION, NORTH PRATHATCHANAM ROAD, KARUR.

39 SPECIAL TAHSILDAR LAND ACQUISITION
NH.67,TRICHY-KARUR DIVISION, NAVALADIYAN COMPLEX,
DINDIGUL MAIN ROAD, THANTHONIMALAI, KARUR.

40 PLANNING OFFICER NH.67
TRICHY-KARUR DIVISION, NATIONAL HIGHWAYS,
KARUR.

41 SUSEELA

42 MINOR.K.DINESHKUMAR
43 MINOR.K.SANTHOSHKUMAR,
(R42&43 REP BY THEIR NEXT FRIEND &
NATURAL GUARDIAN MOTHER SUSEELA R41)

44 CHINNAMMAL
45 BANGARU AMMAL
- ... RESPONDENTS/RESPONDENTS
in all petitions

Prayer in CMP(MD).6918/2016 : 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 Injunction



restraining the respondents from in any way alienating the properties which are the subject matter in O.S.No.5 of 2004 on the file of the Principal District Judge, Karur pending disposal of the above AS (MD) No.106 of 2016 .

(A Xerox copy of the Schedule of Property is herewith enclosed)

Prayer in CMP(MD) No.6919/2016 : 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 injunction restraining the respondents from withdrawing the amount deposited in O.S.No.121 of 1996 on the file of the Sub Court, Karur pending disposal of the above AS (MD) No.106 of 2016.

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.P.THIAGARAJAN, Advocate for the petitioner and of M/S.N.SHANMUGASELVAM, Advocate for R13 & R14 and M/S.E.K.KUMARESAN, Advocate for R10&R12 and M/S.K.GOVINDARAJAN, Advocate for R7 & R24 and M/S.H.THAYUMANASWAMY, Advocate for R1,R2,R21 and R45, the court made the following order:-

[Order of the Court was made by **M.M.SUNDRESH, J.**]

Pending appeal, which has arisen against the dismissal of the suit filed for partition, these applications have been filed. C.M.P.No.6918 of 2016 has been filed against intending alienation by the respondents. C.M.P.No.6919 of 2016 has been filed seeking a prohibitory order against the disbursement of the amount deposited in pursuant to the acquisition made.

2.This Court had already granted an order of interim injunction on 11.08.2016.The said injunction is going for nearly one year. Pending the appeal,any disbursement of the amount deposited would certainly affect the rights of the parties, who seek partition.



3. In such view of the matter, we are of the view that the order of injunction may be made absolute and accordingly, the interim injunction already granted is made absolute.

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4. A direction is issued to the trial Court to deposit the compensation amount which had already been lying on its credit, in any one of the nationalised bank, in interest bearing fixed deposit, initially for a period of three years, renewable thereafter till the disposal of the appeal suit.

5. Registry is directed to make the papers ready and post this appeal suit along with A.S.No.145 of 2016, on **12.09.2016**.

sd/-
29/08/2017

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT JUDGE, KARUR
2. THE SUBORDINATE JUDGE, KARUR
- +1. C.C. to M/S.P.THIAAGARAJAN Advocate SR.No.29601

vsn

CSL/RR-BS/SAR-I/31.08.2017 : 4P/4C

ORDER
IN
CMP(MD) No.6918& 6919 of 2016
IN
AS(MD) No.106 of 2016
Date :29/08/2017