

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD). No. 3118 of 2015

and

M.P. No. 1 of 2015

R.Munusamy

...Petitioner

vs

1.Saradhammal

2.Maheswari

3.Arumugam

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 12.02.2015 passed in CMA No.16 of 2014 on the file of the learned Sub Judge, Poonamallee, reversing the fair and decreetal order dated 13.02.2014 in I.A.No.767 of 2013 in O.S.No.301 of 2013 on the file of the learned Principal District Munsif, Poonamallee.

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For Petitioner : M/s.Paul and Paul

For Respondents : Ms.C.Harini for Mr.M.V.Seshachari
for R2 and R3
R1- died

ORDER

The interim order of status quo granted by the trial Court in I.A.No.767 of 2013 came to be set aside by the I Appellate Court in C.M.A.No.16 of 2014, which order is under challenge in the present revision petition.

2. The only observation based on which the order of the trial Court granting status quo was vacated is that the plaintiff had failed to produce any documentary evidence to show that 4000 square feet was in his possession and that the trial Court by granting an order of status quo had impliedly granted an order of injunction. Such an observation of granting implied injunction, may not be correct.

3. When the trial Court had directed the parties to maintain status quo, the effect of such an order would be that, whoever was in possession of the property, would continue to remain so, till the disposal of the suit. It is seen that both the parties are claiming possession of the property and as such, the order of status quo may not cause prejudice to either of the parties. In view of this, the I Appellate Court ought not to have set aside the same.

4. In the light of the above observations, the order passed in C.M.A.No.16 of 2014 dated 12.02.2015 is set aside. Consequently, the interim order directing the parties to maintain status quo with regard to their possession over the suit property in O.S.No.301 of 2013, shall be maintained till the disposal of the suit.

4. At this juncture, the learned counsel for the petitioner brings to the notice of this Court that the trial had commenced in the suit and since the suit is of the year 2013, the trial Court shall endeavour to complete the same, atleast within a period of six months from the date of receipt of copy of this order.

5. Accordingly, the Civil Revision Petition stands allowed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

05.12.2018

Index:Yes/No
Internet:Yes/No
jen/hvk

To
The Sub Court,
Poonamallee.

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M.S.RAMESH.,J

jen/hvk



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