

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A.No.1723 of 2018 and
C.M.P.No.13353 of 2018

1. G.Muruganandam

2. P.N.Ethirajan

3. K.Palani

4. V.Panneerselvam

5. N.Sakthivel

6. Nagamal

7. Purushothaman

... Appellants

verses

B.Chandrasekaran

S/o. Boopathy

represented by his Power Agents

(1) R.Annadurai

(2) K.Mohan

... Respondents

Prayer : The Civil Miscellaneous Appeal is filed under Order 43, Rule 1 (r) of Code of Civil Procedure, praying to set aside the fair and Decretal order dated 13.03.2018 made in I.A.No.734 of 2017 in O.S.No.131 of 2017 on the file of the District Court No II, Kancheepuram.

For Appellants

: Mr.K.Muralidharan

For Respondents

: Mrs.A.L.Ganthimathi

JUDGMENT

The Civil Miscellaneous Appeal is filed against the fair and Decretal order made in I.A.No.734 of 2017 in O.S.No.131 of 2017 on the file of the learned II Additional District cum Sessions Judge, Tiruppur dated 28.03.2018.

2. The respondents being the plaintiffs filed a suit in O.S.No.131 of 2017 before the learned II District Judge, Kanchipuram against the appellants/defendants for declaration and permanent injunction. During the pendency of the suit, the respondents/plaintiffs filed an Interlocutory Application under Order XXXIX Rule 1 and 2 of C.P.C. in I.A.No.734 of 2017 in O.S.No.131 of 2017 before the learned District and Sessions Judge, Kanchipuram for temporary injunction against the appellants/defendants. After contest, the learned trial Judge allowed the application and thereby the interim injunction already granted is made absolute.

3. Aggrieved against the said order dated 13.03.2018, the appellants/respondents are before this Court.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. On a perusal of records, earlier this Court by an order dated 28.09.2018, granted interim injunction against the plaintiff/respondents till 12.10.2018 and the relevant paragraph No.3 is reproduced hereunder:

"3. However, it is considered, the present status quo necessarily has to be maintained and therefore, there will be an order of interim injunction against the plaintiff not to alienate or change the physical features of the property till 12.10.2018"

6. On hearing both sides, even though the interim injunction already granted by the trial Court is confirmed, the injunction has not been confirmed in respect of alienate or change the physical features of the property till the disposal of the suit.

7. In view of the above, this Court is inclined to pass the following order:

a) This Civil Miscellaneous Appeal is disposed of and the interim order already granted by the ***this** Court is hereby confirmed by directing the **respondents** not to alienate or alter or change the physical features of the suit property till the disposal of the suit.

b) The learned II District Judge, Kanchipuram is directed to take up the suit in O.S.No.131 of 2017 on day to day basis without giving any adjournment to either of the parties and to

dispose of the same in accordance with law within a period of two months from the date of receipt of a copy of this order. Both the parties are directed to give their fullest co-operation for early disposal.

Consequently connected miscellaneous petition is closed.
No costs.

Sd/-

Assistant Registrar (CS-III)

Dated: 28.12.2018

*** Corrected as per order
of this court dated
25.01.2019 made herein
sd/- Assistant Registrar (CS III)
dated: 25.01.2019**

//True Copy//

Sub Assistant Registrar

vum

To

1. The District Judge II,
Kanchipuram.

To be Substituted to the order
already despatched on
24.01.2019.

Copy TO

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.A.L.Ganthimathi, Advocate, S.R.No. 6264
+1cc to Mr. Muralidaran, Advocate, S.R.No. 5995

सत्यमेव जयते

C.M.A.No.1723 of 2018 and
C.M.P.No.13353 of 2018

MG(CO)
GN(02/01/2019)
SP(30/01/2019)

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