

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 536 of 2018  
and  
C.M.P. No.2859 of 2018

Jebamalai

.. Petitioner

Vs

A. Sebastian

.. Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal Order in I.A. No.13281 of 2017 in O.S. No. 3989 of 2010 dated 05.01.2018 passed by the XIV Assistant Judge, City Civil Court at Chennai and pass further orders.

For Petitioner : Mr. T. Ramachandran

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**ORDER**

The revision petition arises against the Fair and Decretal Order in I.A. No.13281 of 2017 in O.S. No. 3989 of 2010 dated 05.01.2018

passed by the XIV Assistant Judge, City Civil Court at Chennai.

2. The petitioner filed the suit in O.S. No. 3989 of 2010 seeking for the relief of permanent and mandatory injunction against the respondent. The case was posted for trial and during examination of defendant's side evidence, the instant application has been filed, seeking the aforesaid prayer. According to the petitioner, the defendant has projected as if the pathway running from East to West on the northern side belongs to the defendant and the defendant has not filed any document to prove the same. In order to establish that the entire suit property belongs to the petitioner, the present application has been filed. Hence, the order of the court below is liable to be set aside.

3. Heard the submission of the learned counsel for the petitioner and perused the order of the court below.

4. The suit is of the year 2010. The evidence on the plaintiff's side has been concluded and the suit is posted for recording evidence on the defendant's side. At this stage the instant application

has been filed by the petitioner. Further, the petitioner has not chosen to file any documents to prove her case. Considering the nature of the prayer sought in the suit for permanent injunction and the fact that at the stage of examination of witnesses the instant application has been filed, this Court finds no error or illegality in the order passed by the court below.

5. Therefore, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

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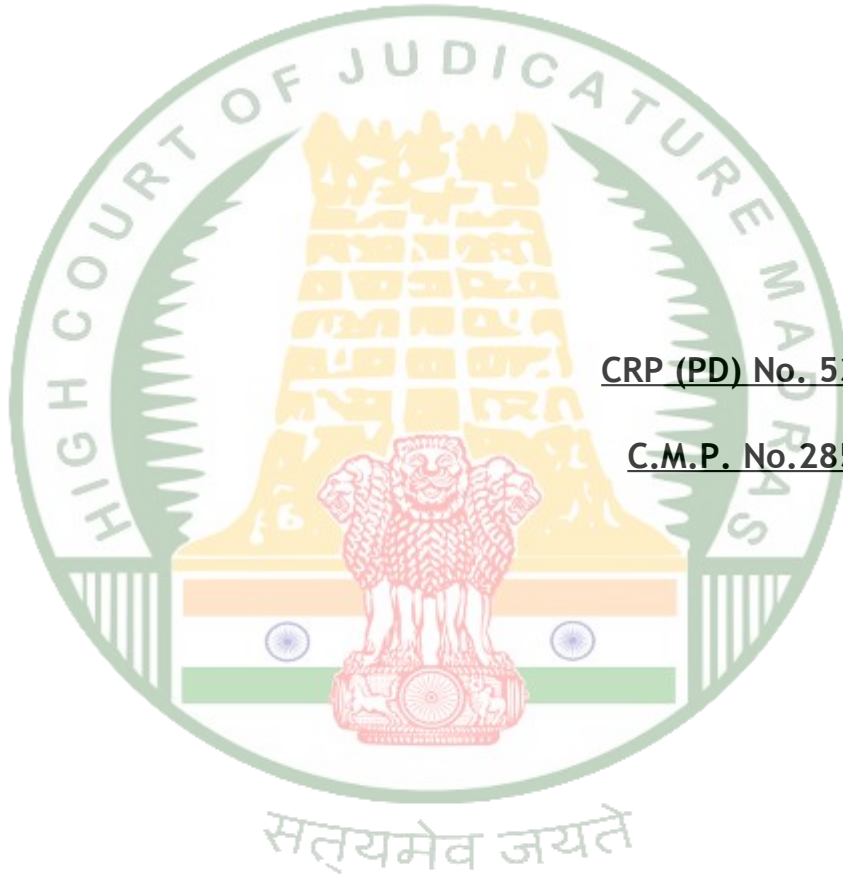
To

The XIV Assistant City Civil Court,  
Chennai.

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D. KRISHNAKUMAR J.,

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