



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

Tuesday, the Eighteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.669 of 2016

IN

SA(MD) No.984 of 2008

VEERAN

... PETITIONER/1st RESPONDENT

Vs

1 MARUTHAYAMMAL,

2 CHOKKANATHAN

... RESPONDENTS/APPELLANTS

3 PITCHAI

4 CHINNA PONNU

... RESPONDENTS/2&3 RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of inerim injuntion restraining from the 1st and 2nd respondents interfere with to repair the hut which was situated in the subject matter of the suit property in O.S.No.138 of 1998 on the file of the I Additional District Munsif, Dindigul pending disposal of the above SA(MD)No.984 of 2008 and thus render justice.

PRAYER IN SA(MD) No.984 of 2008:

To set aside the decree and Judgment passed in AS.119/2002 dated 19.12.2005 on the file of the Principal Sub Court, Dindigul, modifying the decree and Judgment passed in OS.138/1998 dated 20.02.2001 on the file of the 1st Addl. District Munsif, Dindigul, and pass such further or other order which may deem fit and proper and thus render justice.

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.G.GOMATHISANKAR, learned counsel for the petitioner and MR.V.ILANCHEZIAN, learned counsel for the first and second respondents, the court made the following order:-

This application has been filed by the petitioner herein seeking an order of interim injunction restraining the first and second respondents from interfering with reconstructing the roof of the hut and carrying out repairs. This hut was the subject matter of O.S.No.138 of 1998 and also the subject matter of the present Second Appeal.



2.Mr.G.Gomathishankar, learned counsel for the petitioner herein, stated that in the hut, aged mother of the petitioner herein is residing. It had been affected badly due to the recent rain fall and hence, it has to be repaired.

3.Mr.V.Ilanchezian, learned counsel for the first and second respondents herein, stated that the repair works can be carried out.

4.In view of the above submissions, repair works can be carried out and the first and the second respondents should not interfere with such repair works. However, the area of the hut should not be altered.

5.With the above observation, this Civil Miscellaneous Petition is closed, since the order has been passed in the presence of the learned counsel on either side.

6.At request of the appellants in the second appeal, post the second appeal under caption "for final hearing" on 04.10.2018.

sd/-  
18/09/2018

/ TRUE COPY /

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

TO

1 THE I ADDITIONAL DISTRICT MUNSIF,  
DINDIGUL.

2 THE PRINCIPAL SUB COURT,  
DINDIGUL.

+1. C.C. to M/S.G.GOMATHISANKAR Advocate SR.No. 17699

ORDER  
IN  
CMP(MD) No.669 of 2016  
IN  
SA(MD) No.984 of 2008  
Date :18/09/2018

JM/VR MMS/SAR 1/24.09.2018/2P/4C