

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(PD)No.4278 of 2013
and M.P.No.1 of 2013

N.Palanichamy .. Petitioner

versus

Subbaiyya Gounder .. Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and final order dated 12.08.2013 made in C.M.A.No.7 of 2012 on the file of the Sub Court, Dharapuram, confirming the fair and final order dated 06.08.2012 in I.A.No.575 of 2012 in O.S.No.190 of 2012 on the file of the learned District Munsif, Dharapuram.

For Petitioner : Mr.B.Kumarasamy
For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed as against the order of the First Appellate Court confirming the fair and final order passed in I.A.No.575 of 2012 in O.S.No.190 of 2012 for temporary injunction against the defendant.

2. The suit has been originally laid for permanent injunction restraining the defendant from interfering with the possession of the property. The contention of the plaintiff is that the suit property has been allotted to him under the Tamil Nadu Boomidhan Board. However, he is in possession of the property. Pending suit, he has filed an application for interim injunction and exhibits P.1 to P.5 were marked and also other revenue records to substantiate his rights in the suit property.

3. The main contention of the plaintiff herein is that, when he is in possession, the defendant has purchased the suit property from the third party. Having taken such plea not even a piece of paper has been filed on his side but saying that he is in possession of the property. The trial Court considering *prima facie* case or balance of convenience and after analysing Ex.P.1 to Ex.P.5, held that the plaintiff is in possession of the property, granted injunction whereas, the First Appellate Court has also confirmed the same.

4. Heard the learned counsel appearing for the revision petitioner. There is no representation on behalf of the respondent.

5. I have perused the order of the Courts below and the materials available on record.

6. The suit is for injunction and the possession is important, Ex.P.1 to Ex.P.5 were filed by the plaintiff to show that the property has been allotted to him and also the revenue records has been in his name and to substantiate that the defendant was in possession of the property absolutely there is no material whatsoever have been recorded. Therefore, this Court does not find any infirmity or illegality in the order passed by the trial Court and hence, the order of the First Appellate Court passed in I.A.No.575 of 2012 in O.S.No.190 of 2012 dated 06.08.2012 is hereby confirmed.

7. In the result, this Civil Revision Petition is dismissed. However, the trial Court is directed to dispose of the suit, within a period of four months, from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

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Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

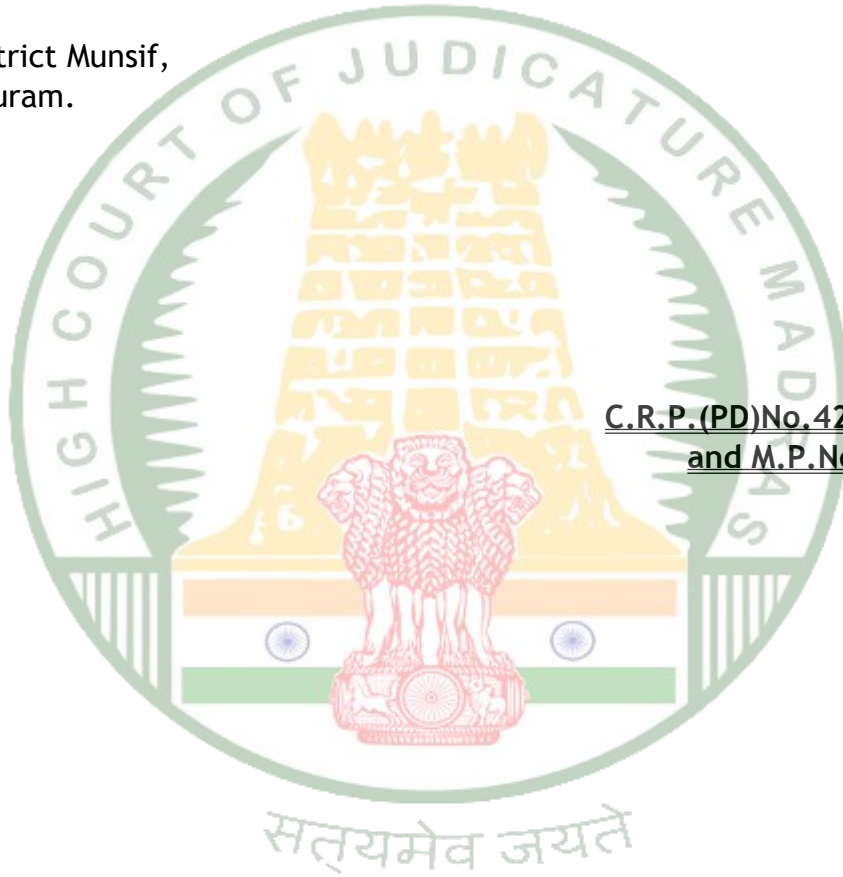
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N.SATHISH KUMAR, J.,
sri

To

1.The Subordinate Judge,
Dharapuram.

2.The District Munsif,
Dharapuram.



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