

C.M.P.No.8994 of 2019 in C.M.A.No.SR47294 of 2019T.RAJA, J.

This civil miscellaneous petition has been filed to condone the delay of 8 days in preferring the appeal. When the suit was filed by the petitioners/plaintiffs for partition, the respondent/defendant moved I.A.No.32 of 2018 in O.S.No.12 of 2017 seeking injunction, on the ground that the suit property was purchased jointly by the father of the plaintiffs and the father of the defendant. Since the trial Court has granted injunction, the petitioners have come to this Court to challenge the said decretal order. In the meanwhile, there has been a delay.

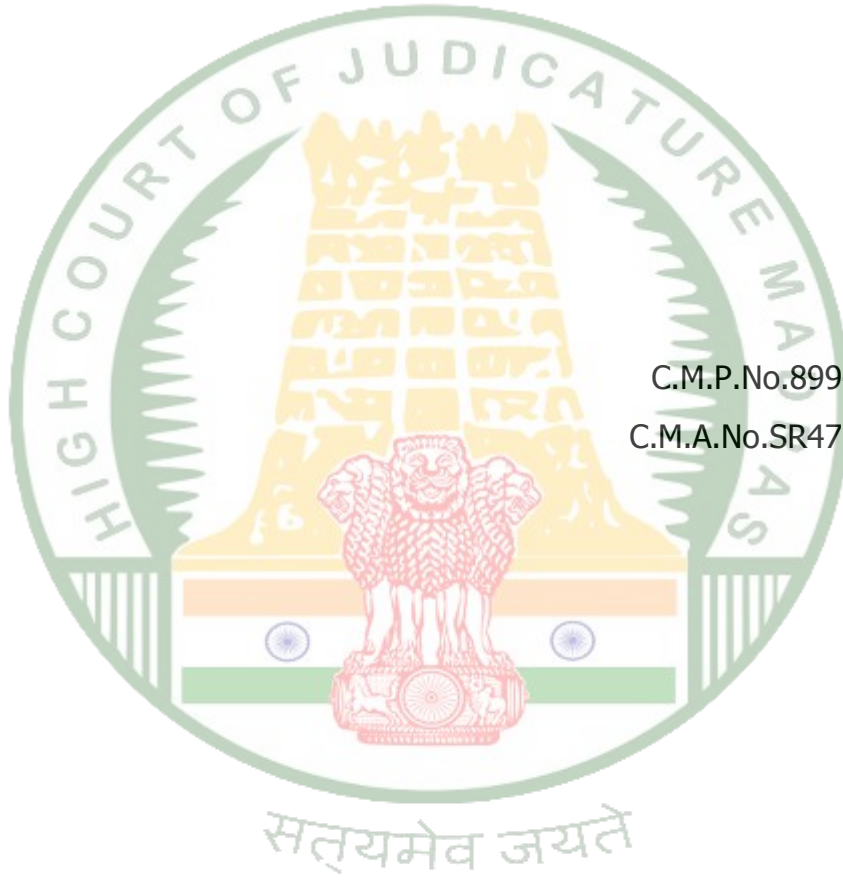
2. Learned counsel for the petitioners submitted that it is a well settled legal position that as against co-owners, no injunction can be ordered and secondly, when the petitioners are in possession, the order of injunction granted by the trial Court is causing huge problem to them.

3. As this Court finds no serious objection from the learned counsel for the other side, the delay is condoned and the C.M.P.No.8994 of 2019 stands allowed. Post the civil miscellaneous appeal for admission next week.

01.07.2019

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