

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Second day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

and

THE HON`BLE MR JUSTICE KRISHNAN RAMASAMY

CMP No.19659 of 2019

and AS.No.709 of 2017

S.PALANISWAMY

[PETITIONER]

Vs

1 DR.S.RADHAKRISHNAN

[RESPONDENTS]

2 SMT.NIRMALA

3 RAJKUMAR

4 S.SHANMUGHANATHAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an ad interim injunction restraining the respondents, their men, agents, subordinated and any other person from constructing any super structure over the suit property which is the subject matter in AS.No.709/2017 on the file of this Honble Court,(in CMP.No.19659/2019) pending disposal of the above AS.No.709/2017.

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.J.VASU, Advocate for the petitioner and of M/S.M.VELMURUGAN, Advocate on behalf of the 1 & 2 Respondents the court made the following order:-

(Order of the Court was made by M.M.Sundresh,J.)

The petitioner is the plaintiff in the suit for partition and separate possession. O.S.No.393 of 2014 having been dismissed by the I Additional District Court, Coimbatore, on 16.06.2017, the present appeal is filed by the petitioner. Pending Appeal, seeking an order of interim injunction restraining the respondents and their agents from constructing any superstructure over the suit property, C.M.P.No.19659 of 2019 has been filed.

2. Inasmuch as suit having been dismissed, we are not inclined to pass any positive order as sought for by the petitioner. However, we make it clear that any construction, if made by the respondents, no equity is claimed and the same is subject to the final decision of the appeal. Accordingly, the above civil miscellaneous petition stands closed.

-sd/-

02/12/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE 1ST ADDITIONAL DISTRICT
JUDGE, COIMBATORE.

C.C. to M/S.J.VASU Advocate on payment of necessary charges

C.C. to M/S.M.VELMURUGAN, Advocate on payment of necessary
charges

Order

in

CMP No.19659 of 2019

and AS.No.709 of 2017

Date :02/12/2019

From 26.2.2001 the Registry is issuing certified
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KP(19/12/2019)

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