



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

Monday, the Twenty Second day of July Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice S.S.SUNDAR**

**CMP(MD) Nos.4247 and 5482 of 2019**

**IN**

**SA(MD) No.205 of 2019**

**CMP(MD) Nos.4247/2019:**

1 CHINNAMMAL (DIED)  
2 AANDICHAMY  
3 ALAGU

... PETITIONERS/APPELLANTS

Vs

1 THENAMMAL  
2 RAMAN  
  
3 THE DISTRICT COLLECTOR  
DINDIGUL DISTRICT,  
THADICOMBU ROAD,  
DINDIGUL.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the injunction granted in favour of the respondent herein in judgment and decree passed dated 14.02.2008 made in AS No.504 of 2004 on the file of the Pincipal Sub Court, Dindigul, Dindigul District in reversing the judgment and decree passed dated 31.01.2001 made in OS No.611 of 1999 on the file of the II Additional District Munsif Court, Dindigul, Dindigul District pending disposal of the above Second Appeal and thus render justice.

**CMP(MD) No.5482 of 2019:**

1 THENAMMAL  
2 RAMAN

... PETITIONERS/RESPONDENTS 1 & 2/  
RESPONDENTS 1 & 2

Vs

1 CHINNAMMAL (DIED)  
2 AANDICHAMY  
3 ALAGU

... RESPONDENT 1 to 3/PETITIONERS/  
APPELLANTS



4 THE DISTRICT COLLECTOR,  
DINDIGUL DISTRICT,  
THADICOMBU ROAD,  
DINDIGUL.

... 4<sup>th</sup> RESPONDENT/4<sup>th</sup> RESPONDENT/  
4<sup>th</sup> RESPONDENT

WEB COPY

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim order of status quo dated 24.04.2019 made in CMP(MD)No.4247 of 2019 in SA(MD)No.205 of 2019 on the file of this Honourable Court and thus render justice.

**PRAYER in SA(MD)No.205 of 2019:**

To set aside the Judgment and decree passed dated 14.02.2008 made in A.S.No.504 of 2004 on the file of the Principal Sub Court, Dindigul, Dindigul District reversing the Judgment and decree passed dated 31.01.2001 made in O.S.No.611 of 1999 on the file of the II Additional District Munsif, Dindigul, Dindigul District allow this Second appeal.

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, Advocate for the petitioners in CMP(MD)No.4247/2019 AND R1 to R3 in CMP(MD)No.5482/2019 and of M/S.JEYAKARTHIK, Advocate for the Petitioner in CMP(MD)No.5482/2019 and R1 & R2 in CMP(MD)No.4247/2019 and MR.R.SETHURAMAN, Special Government Pleader for R3 in CMP(MD)No.4247/2019 and R4 in CMP(MD)No.5482/2019, the court made the following order:-

It is not in dispute that the appellants are the defendants in the suit for injunction. Though the trial Court has granted a decree for injunction in favour of the plaintiffs, the appellate Court reversed judgment and decree of the trial Court and dismissed the suit. As against that, the plaintiffs have preferred the above appeal.

2.It is stated that interim application in C.M.P.(MD)No.4247 of 2017 is filed to suspend the decree for injunction, which is inappropriate. Despite the fact that the suit for injunction is dismissed by the appellate Court and there is no scope for suspending the order of injunction, this petition is filed. Hence, the petition in C.M.P.(MD)No.4247 of 2019 is not maintainable and accordingly, the same is dismissed.

3.In view of the fact that the petition in C.M.P.(MD)No.4247 of 2019 is dismissed, there is no scope for maintaining the petition in C.M.P.(MD)No.5482 of 2019 to vacate the interim order. Accordingly, the petition in C.M.P.(MD)No.5482 of 2019 is also dismissed.



4. Post the matter after two weeks and in the meanwhile, the learned Counsel for the appellants is at liberty to file injunction petition. Till then, the parties are directed to maintain status-quo.

WEB COPY

sd/-  
22/07/2019

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SUBORDINATE JUDGE,  
DINDIGUL, DINDIGUL DISTRICT

2. THE II ADDITIONAL DISTRICT MUNSIF,  
DINDIGUL

+1. C.C. to M/S.G.GOMATHI SANKAR Advocate SR.No.12068

+1. C.C. to M/S.S.JEYAKARTHIK, Advocate SR.No.12109

ORDER  
IN  
CMP (MD) No.4247 of 2019  
IN  
SA (MD) No.205 of 2019  
Date : 22/07/2019

CMR

PK/VR/SAR-3/25.07.2019 : 3P/5C