



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.660 of 2020

1. Dhanasu
2. Jayasankar
3. Arjunan @ Ravi

.. Petitioners/Appellants/
Respondents

Vs.

1. Ramesh.
2. Lakshmi

.. Respondents/Respondents/
Petitioners

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the judgement and decree passed by the learned Principal District Judge, Villupuram in C.M.A.No.20 of 2018, dated 12.09.2019 as confirmed by the order and decreetal order passed in I.A.No.359 of 2014 in O.S.No.289 of 2014, dated 16.07.2018 on the file of the learned Principal Subordinate Judge, Tindivanam.

For Petitioner : Mr.S.Bharathi Rajan

O R D E R

Present revision has been filed against the judgement and decree passed by the learned Principal District Judge, Villupuram in C.M.A.No.20 of 2018, dated 12.09.2019 confirming the order and decreetal order passed in I.A.No.359 of 2014 in O.S.No.289 of 2014, dated 16.07.2018 by the learned Principal Subordinate Judge, Tindivanam.

2. The petitioners are the defendants in the suit. The respondents filed the suit for declaration and also for permanent injunction restraining the defendants from interfering with the suit schedule property. Pending suit, the plaintiffs filed an application seeking for an interim injunction restraining the defendants from interfering with the suit schedule property, Pending suit, the trial Court granted interim injunction. Challenging the same, the petitioners have filed an appeal in C.M.A.No.20 of 2018. The lower appellate Court dismissed the appeal and confirmed the order passed by the trial Court. Now, challenging the same, present revision has been filed.



3. Heard the learned counsel appearing for the petitioners and also perused the records carefully.

4. Considering the documents viz., sale deed, patta, adangal 'A' register, the Courts below came to the conclusion that the plaintiffs are in possession of the suit schedule property. Absolutely, there is no material to show that the petitioners/defendants are in possession. Considering all the above materials, the lower Appellate Court confirmed the interim injunction granted by the trial Court. I do not find any illegality or irregularity in the same as the lower Appellate Court has rightly allowed the appeal. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the order of the Court below, impugned in this revision is hereby confirmed. Considering the fact that the suit is of the year 2014, the learned Principal Subordinate Judge, Tindivanam, is directed to dispose of the suit in O.S.No.289 of 2014, on merits and in accordance with law, after giving an opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal District Judge,
Villupuram.

2. The Principal Subordinate Judge,
Tindivanam.

+1cc to Mr.S.Bharathirajan, Advocate, SR. No. 12820

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BR(CO)

RMP(13/07/2020)