

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No. 1619 of 2018
and
C.M.P.No. 8782 of 2018

Loganathan ...Petitioner/Appellant/Respondent/Defendant
Vs.

Pushpa ..Respondent/Respondent/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 07.02.2018 passed in C.M.A.No.6 of 2017 on the file of the Principal District Judge, Vellore, Vellore District confirming the order in I.A.No.374 of 2017 in O.S.No.134 of 2017 dated 05.10.2017 on the file of the Subordinate Judge, Arakonam, Vellore.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondent : Mr.P.Satheesh Kumar

O R D E R

This civil revision petition filed against the order made in C.M.A.No. 6 of 2017 on the file of the Principal District Judge, Vellore.

2. The Civil Miscellaneous Appeal came to be filed against the order of status-quo granted in I.A.No.374 of 2017 in O.S.No.134 of 2017 on the file of the Sub-Court, Arokkonam (now transferred to the Special LAOP Court, Arakkonam and numbered as Tr.O.S.No.50 of 2019).

3. The said suit was filed by the respondent herein, seeking a declaration of her tittle and recovery of possession after removal of super structure. Pending the said suit, an application in I.A.No.374 of 2017 was filed seeking an order of injunction restraining the defendant from proceeding with the construction in the suit property. The Trial Court granted an order of status-quo. Aggrieved, the defendant preferred an appeal in C.M.A.No. 6 of 2017. The learned Appellate Judge concurred with the findings of the trial Court and dismissed the appeal however, while disposing of the appeal, the learned Appellate Judge has made an observation on the title claimed by

the plaintiff in the suit. The observation according to the appellant would militate against him at the time of trial. He would also submit that upon stay of operation of the order of status-quo granted in the Civil Miscellaneous Appeal the defendant has completed the construction.

4. In view of the above, I do not think that there is any need to interfere with the order of the Courts below. It is, however, made clear that the trial Court will dispose of the suit without being influenced by any of the observations made in the order in C.M.A.No. 6 of 2017 or the order in I.A.No.374 of 2017. This civil revision petition is disposed of with the above directions.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1. The Principal District Judge, Vellore,
Vellore District.
 2. The Subordinate Judge, (Special LAOP Court)
Arakonam, Vellore.
- +1 Cc to Mr.M. Abdul Majeed, Advocate sr 28749.

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BS (CO)
SP(21/10/2020)

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