

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.Nos.2374 and 2375 of 2018

and

C.M.P.No.14696 of 2018

Radhakrishnan ... Petitioner

Vs

Saroja ... Respondent

Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 15.03.2018 passed in C.M.A.Nos.8 & 9 of 2015 on the file of Learned Additional Subordinate Judge, Pondicherry.

For Petitioner : Mr.S.Sudarshan

For Respondent : No Appearance

ORDER

These Civil Revision Petitions have been filed by the defendant in O.S.No.2546 of 2014 which is a suit for injunction filed by the respondent herein, claiming title over the suit property by virtue of the settlement deed dated 16.07.2008 executed by her husband, named Arikrishnan.

2. It is seen that the petitioner herein has filed a suit in O.S.No.732 of 2010 seeking a declaration that the settlement deed dated 16.07.2008 executed by Arikrishnan is void ab-initio, Non-est in eye of law and not binding on the plaintiff, and the said suit is also stated to be pending.

3. The plaintiff in O.S.No.2546 of 2014 sued for injunction on the ground that the suit property originally belonged to her husband Arikrishnan by virtue of the sale deed dated 21.08.1972 and the partition deed dated 07.05.1982, and the said Arikrishnan had settled the suit property by way of registered instrument on 16.07.2008. The execution of the said document by Arikrishnan is admitted by the petitioner herein, though he seeks a declaration that the document is null and void and not binding on him.

4. Therefore, I do not find any illegality or irregularity in the orders of the Courts below in granting an injunction in favour of the plaintiff. It is open to the petitioner to seek a joint trial on both the suits.

5. With the above observation, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

raja

To

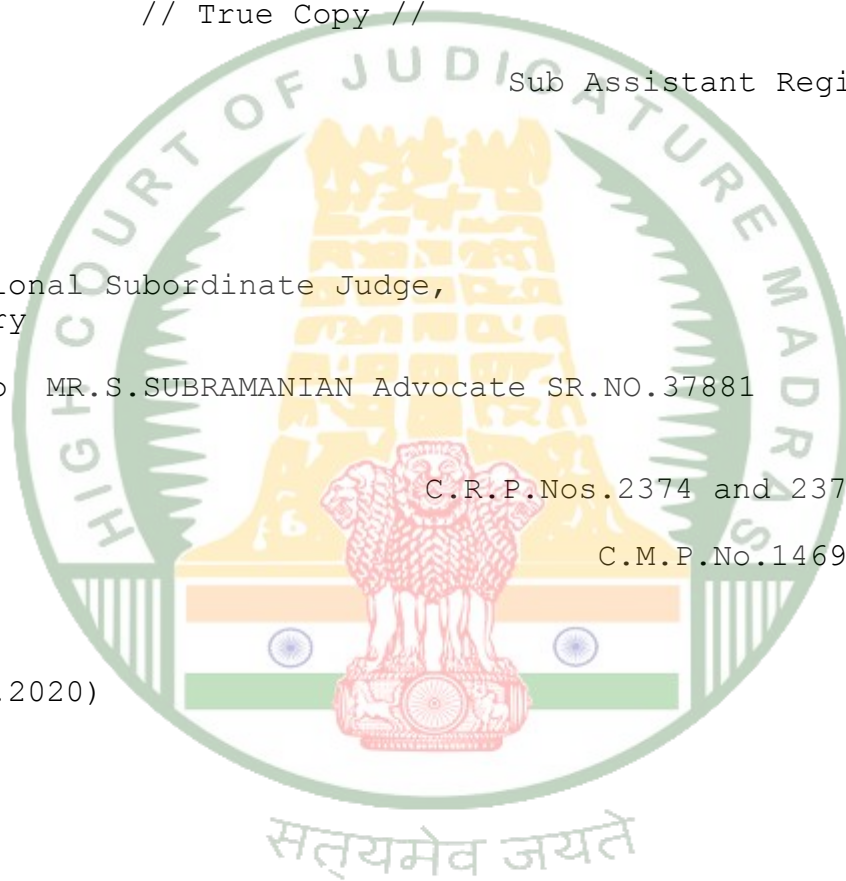
The Additional Subordinate Judge,
Pondicherry

+1 C.C. to MR.S.SUBRAMANIAN Advocate SR.NO.37881

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and
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UM (CO)

UM (15.12.2020)



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