



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

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

The Hon'ble Mr. Justice N.SATHISH KUMAR

C.M.P.[MD]Nos.1024 and 1713 of 2020
in
A.S.(MD)S.R.No.74845 of 2019
and
C.R.P.(MD)No.175 of 2020
and
C.M.P.(MD)No.1016 of 2020

- 1 M.KARUPPASAMY
- 2 M.DHANDAPANI
- 3 N.KARUPPUSAMY
- 4 A.KUPPUSAMY

... APPELLANTS/3rd PARTY
IN ALL THE PETITIONS

Vs

KALIAMMAL (DIED)

- 1 SUBBULAKSHMI
- 2 T.SUBRAMANI

PALANIAMMAL (DIED)
KANDHASAMY PILLAI (DIED)
KULANDHAIVEL PILLAI (DIED)

- 3 MOHAMMED IBRAHIM RAWTHER
- 4 THE MANAGING DIRECTOR,
RANMANGAMMAL TRANSPORT CORPORATE LIMITED,
DINDIGUL.

CHINNAPPAN (DIED)

- 5 MUTHALIPPU
- 6 PALANIAMMAL
- 7 KRISHNAVENI
- 8 K.KANAGARAJ
- 9 K.SUBRAMANI
- 10 AROCKIYASAMY
- 11 ANTHONY SELVI



13 A.ANTHONY
14 K.RAJALINGAM
15 S.SUSEELA
16 LATHA
17 P.MUTHUSAMY

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

Prayer in CMP(MD)No.1024/2020 in A.S.(MD)S.R.No.74845 of 2019 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Accept the Cause Title filed by the petitioner herein 3rd party in the main appeal suit in AS.SR.(MD). No.74845 of 2019 as against I.A. No.21 of 2005 in O.S. No.274 of 1988 on the file of Additional District Court Fast Track Palani pending disposal of main appeal suit.

Prayer in CMP(MD)No.1713/2020 in A.S.(MD)S.R.No.74845 of 2019 :

Pleased to Grant Leave to file third party Appeal Suit in A.S.Sr.(MD).No.74845 of 2019 as against I.A.No.21 of 2005 in O.S.No.274 of 1988 on the file of Additional Dist Court (FTC) Palani.

Prayer in CRP(MD)No.175/2020 :

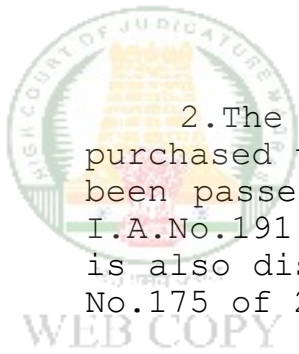
To set aside the fair and decreetal order dated 4.6.2019 passed I.A. No.11 of 2017 in I.A.No.21 of 2005 O.S. No.274 of 1988 on the file of the Additional District Judge FTC Palani by allowing this CRP.

Prayer in CMP(MD)No.1016/2020 in CRP(MD)No.175/2020 :

To stay of all further proceedings in pursuance to the judgment and decree dated 4.6.2019 passed in I.A. No.11 of 2017 in I.A.No.21 of 2005 O.S. No.274 of 1988 on the file of the Additional District Judge FTC Palani pending disposal of the main CRP.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S. P. ATHIMOOLAPANDIAN, Advocate for the petitioner in all the petitions and of Mr.S.MEENAKSHI SUNDARAM, Senior Counsel for Mr.K.SHANMUGARAJA, Advocate on behalf of the Respondents in all the petitions, the court made the following order:-

The applications in C.M.P.(MD)Nos.1024 and 1713 of 2020 are filed to accept the cause title and grant leave to file third party Appeal Suit in A.S.(MD)S.R.No.74845 of 2019 against I.A.No.21 of 2005 in O.S.No.274 of 1988 on the file of the Additional District Court (FTC), Palani.



2.The appellants are the third parties, who said to have purchased the property from the owner. Admittedly, final decree has been passed and the property has been decided. The application in I.A.No.191 of 2017 filed to implead themselves in the final decree is also dismissed. Against which, a revision is filed in C.R.P.(MD) No.175 of 2020 before this Court.

3.Having regard to the fact that there is no serious objections on the other side to allow these petitions, these petitions are ordered. The Registry is directed to number the appeal, if it is otherwise in order, call for records from the concerned Court.

4.As far as C.R.P.(MD)No.175 of 2020 is concerned, though this Court has passed an order, granting interim stay of execution of the decree, it appears that both the petitioners and the respondents are claiming right on the basis of purchase from the original sharers. The final decree admittedly has been passed and the properties also demarcated. In such view of the matter, since the parties status remain as co-sharers, there cannot be any injunction against each other for enjoying the property. Further, it makes clear that till the disposal of the Civil Revision Petition, the respondents are restrained from alienating the property. Accordingly, the interim stay is modified. As far as the enjoyment of the property is concerned, there cannot be any injunction against co-owner and injunction is restricted only for alienating the property.

5.Post the matter on 12.03.2020.

sd/-

17/02/2020

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/ /2020

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

TO

THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), PALANI.

+ 1 CC TO M/S.P.ATHIMOOLAPANDIAN, Advocate IN SR.No.3312
+ 1 CC TO Mr.K.SHANMUGA RAJA, ADVOCATE IN SR No. 3416

ORDER IN

C.M.P.[MD]Nos.1024 and 1713 of 2020 IN
A.S.(MD)S.R.No.74845 of 2019 and
C.R.P.(MD)No.175 of 2020 and
C.M.P.(MD)No.1016 of 2020
Date :17/02/2020

MYR

<https://hcservices.courts.gov.in/> 16/02/2020 : 3P/4C