



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

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP (MD) No.1868 of 2020

in

CMP (MD) No.6697 of 2019

in

AS (MD) No.128 of 2019

CMP (MD) NO.1868 of 2020 in AS (MD) No.128 of 2019 :

N.TAMILARASAN ... PETITIONER/3rd RESPONDENT/3rd RESPONDENT

Vs

1.C.SENTHILKUMAR ... 1st RESPONDENT/PETITIONER/APPELLANT

2 R.RAMANATHAN

3 R.RAMACHANDRAN ... RESPONDENTS 2 & 3/RESPONDENTS 1 & 2/
RESPONDENTS 1 & 2

R.RADHA KRISHNAN, DIED

4 R.TAMILARASI

5 SELVI ... RESPONDENTS 4 & 5/RESPONDENTS 4 & 5/
RESPONDENT 4 & 5

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate the inteim injunction dated 17.9.2019 passed in CMP(MD). No.6697 of 2019 in As(MD). No.128/2019

CMP (MD) No.6697 of 2019 IN AS (MD) No.128 of 2019:

C.SENTHILKUMAR ... PETITIONER/APPELLANT

Vs

1 R.RAMANATHAN

2 R.RAMACHANDRAN

R.RADHAKRISHNAN (DIED)



3 N.TAMILARASAN

4 R.TAMILARASI

5 SELVI

... RESPONDENTS/RESPONDENTS

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining the respondents 4 to 6 and their men, agents, servants or any one acting on behalf of them from in any manner encumber and disturbing the peaceful possession and enjoyment of the suit property in OS.No.149/2014 on the file of the VI Additional District Judge, Madurai pending disposal of the above AS(MD) No.128 of 2019.

prayer in AS(MD) No.128 of 2019:

To set aside the Judgment and Decree dated 26.02.2019 made in O.S.No.149 of 2014 on the file of the VI Additional District Court, Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.VIJAYAKUMAR for Mr.T.ANTONY ARUL RAJ, Advocate for the petitioner in CMP(MD)No.1868 of 2020 in AS(MD)No.128 of 2019 and third respondent in CMP(MD) No.6697 of 2019 IN AS(MD) No.128 of 2019 and of MR.A.SARAVANAN, Advocate for the first respondent in CMP(MD)No.1868 of 2020 in AS(MD)No.128 of 2019 and for the petitioner in CMP(MD) No.6697 of 2019 IN AS(MD) No.128 of 2019, the court made the following order:-

This application has been filed to vacate the order of interim injunction, dated 17.09.2019, passed in C.M.P(MD)No.6697 of 2019 in A.S.(MD)No.128 of 2019, mainly on the ground of suppression of material facts.

2.It is the contention of the learned Counsel appearing for the petitioner that the suit has been dismissed on the ground that the appellant being the *pendente lite* purchaser, did not derive any title over the suit property. The suit was disposed on 26.02.2019 and the appellant sold away the property on 15.07.2019, whereas, the interim order has been obtained on 17.09.2019, on the ground that the appellant is in possession of the suit property.

3. I have perused the entire materials.

4.The copy of sale deed clearly shows that the property has been sold by the appellant on 15.07.2019. Such being the matter, the conduct of the Appellant in dealing with the property even after dismissing the suit, thereafter, obtained an order of interim injunction clearly indicates that the appellant has not come to this Court with clean hands. Hence, the order has to be vacated.



When the person come to Court with unclean hands, is not entitled for any relief of interim injunction. Hence, the interim order already granted by this Court, dated 17.09.2019, stands vacated.

5. Registry is directed to call for the records from the Trial Court. Post this appeal on 23.03.2020, for arguments.

sd/-
25/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE VI ADDITIONAL DISTRICT JUDGE, MADURAI.

COPY TO

THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.A.SARAVANAN, Advocate (SR-3903[I] dated 25/02/2020)
+1. C.C. to M/S.T.ANTONY ARUL RAJ Advocate SR.No.3940

ORDER
IN
CMP(MD) No.1868 of 2020
IN
AS(MD) No.128 of 2019
Date :25/02/2020

RM

AE/PN/SAR-IV (04.03.2020) 3P 6C