



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

Thursday, the Fifth day of November Two Thousand and Twenty

PRESENT

WEB COPY

The Hon'ble Mr. Justice M. GOVINDARAJ

CMP(MD) No.4682 of 2019 IN
AS(MD) No.87 of 2019

W.RAJAN D.YESUDIAN

... PETITIONER/APPELLANT

Vs

1 G.JEYACHANDRAN DEVASAHAYAM
2 G.SELVAHARAN
3 GANESAN ALIAS MONI
4 MURUGHAN ALIAS YESAYA

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD) No.4682 of 2019:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of interim injunction restraining the Respondents, men, servants subordinate or agents from in any manner making improvement or alienating the suit properties which are the subject matter of OS No.101 of 2014 on 12.07.2018 on the file of the Principal District Judge, Kanyakumari District at Nagercoil.

Prayer in AS(MD) No.87 of 2019:

To call for the records of in OS No.101 of 2014 on the file of the Principal District Court, Nagercoil dated 12.07.2018, set aside the same and allow the Appeal.

SCHEDULE OF PROPERTY

District	:	Kanyakumari
Taluk	:	Agasteeswaram
Village	:	Nagercoil
O.S.No.	:	2518
R.S.No.	:	P1/29
Area	:	Originally 20 cents and later 21.00 cents as per area and records with house building at Northern area.
Description	:	21.00 cents of land and old one storied concrete house building at its northern portion bounded by old granite stone compound.

Boundaries :

North	:	Bhagavathy Perumal's Property
West	:	Besil Thankappa's Property
South	:	Sivanantham's Property
East	:	Observatory Street



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.P.S.PALANIVELRAJAN, Advocate for the petitioner and of MR.D.NALLATHAMBI, Caveator on behalf of the Respondents 1 and 2 and MR.S.XAVIER RAJINI, Advocate for Respondents 3 and 4, the Court made the following order:-

The beneficiaries of the Will, which is the subject matter of the appeal, are the third and fourth respondents. The learned counsel appearing for the third and fourth respondents would submit that the third and fourth respondents have no intention to alienate the property.

2. Recording the aforesaid submission, the Civil Miscellaneous Petition is closed.

3. At this juncture, the learned counsel for the petitioner/appellant would submit that the petitioner/appellant is 85 years old and he is in death-bed. Therefore, the appeal is posted to **01.12.2020** for final disposal.

sd/-

05/11/2020

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE PRINCIPAL DISTRICT JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1 CC to M/s.D.NALLATHAMPI, Advocate (SR-7361[I] dated 06/11/2020)

ORDER IN
CMP(MD) No.4682 of 2019 IN
AS(MD) No.87 of 2019
Date :05/11/2020

SML

TE/JC/SAR-IV : 09/11/2020 : 2P/3C