



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

Tuesday, the Eighteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.8947 of 2018
IN
SA(MD) No.229 of 2018

1.BALAKRISHNAN
2.MALLIKA
3.PERUMALSAMY
4.PERUMAL AKKAL
5.ALAGAMMAL

... PETITIONERS/APPELLANTS

Vs

1 AYYAVU NAICKER (DECEASED)
2.SUNDARRAJ
3.MENAKA
4.VELLAIYA THEVAR
5.VELUCHAMY

... RESPONDENTS/ RESPONDENTS

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 from interfering with subject matter of the suit property in O.S.No.341 of 2011 on the file of the Principal District Munsif Dindigul, Dindigul District pending disposal of above Second Appeal and thus render justice.

PRAYER IN SA(MD) No.229 of 2018:

Pleased to set aside the Judgment and decree with regard to V and VI Clause passed dated 22.01.2018 made in A.S.No.18 of 2014 on the file of the Additional Sub Court, Dindigul, Dindigul District modifying the Judgment and decree passed dated 17.02.2014 made in O.S.No.341 of 2011 on the file of the Principal District Munsif Dindigul, Dindigul District.

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.GOMATHI SANKAR, Advocate for the petitioners and of Mr.D.VENKATESH, Advocate for R2,R3 and R5, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



The petitioner seeks an order of injunction restraining the respondents from interfering with the properties, subject matter of the suit property in O.S.No.341 of 2011.

2. The suit is one for declaration and permanent injunction. The trial Court granted a decree. However, in appeal, the lower appellate Court reversed the same in respect of a portion of the second item of the suit schedule properties. As result of such reversal, the plaintiffs were favoured with the decree of injunction to an extent of 4 cents in the second item of the suit schedule property, where their house is situated. In respect of remaining 26 cents of the land in the second item of the suit schedule property, the lower appellate has recorded a specific finding that the plaintiffs have not established their possession by any tangible and acceptable evidence.

3. In view of the same, I do not think there can be an order of interim injunction pending appeal. This civil miscellaneous petition is therefore, dismissed.

sd/-
18/02/2020

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

TO

- 1.THE ADDITIONAL SUBORDINATE JUDGE, DINDIGUL.
- 2.THE PRINCIPAL DISTRICT MUNSIF, DINDIGUL.

ORDER
IN
CMP(MD) No.8947 of 2018
IN
SA(MD) No.229 of 2018
Date :18/02/2020

TA
TK/VR/SAR.3/24.02.2020/2P/3C