

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No. 2155 of 2016

and

CMP.No.11222 of 2016

Anbazhagan

... Petitioner

Vs.

Ashokan

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 23.03.2016 and made in C.M.A.No.8 of 2015 on the file of the Subordinate Judge, Thiruvarur.

For Petitioner : Mr.V.R.Rajasekaran

For Respondent : Mr.J.Nandagopal

ORDER

This Civil Revision Petition is directed as against the order passed in in C.M.A.No.8 of 2015 dated 23.03.2016 on the file of the Subordinate Judge, Thiruvarur, thereby, dismissing the interim injunction petition filed by the petitioner herein.

2. The petitioner and the respondent are brothers. The petitioner filed a suit for permanent injunction as against the respondent. Initially, the trial Court granted interim injunction and the same was made absolute by the fair and decretal order in I.A.No.322 of 2019 dated 20.02.2015. Aggrieved by the same, the respondent preferred Civil Miscellaneous Appeal in CMA.No.8 of 2015 and the same was allowed in his favour and thereby the Appellate Court vacated the interim injunction granted to the petitioner herein on the ground that there is no prima facie case made out by the petitioner herein. Further, it was stated that the petitioner failed to prove his possession, in respect of the suit property.

3. While admitting the Civil Revision Petition, this Court granted interim injunction in favour of the petitioner and it is pending till now.

4. Considering the above, the petitioner and the respondent are directed to maintain Status Quo as on today, in respect of the suit property. The parties are also at liberty to approach the trial Court seeking necessary protection while enjoying their respective property. However, considering that the suit was of the year 2013, the trial Court is directed to complete the

trial within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.01.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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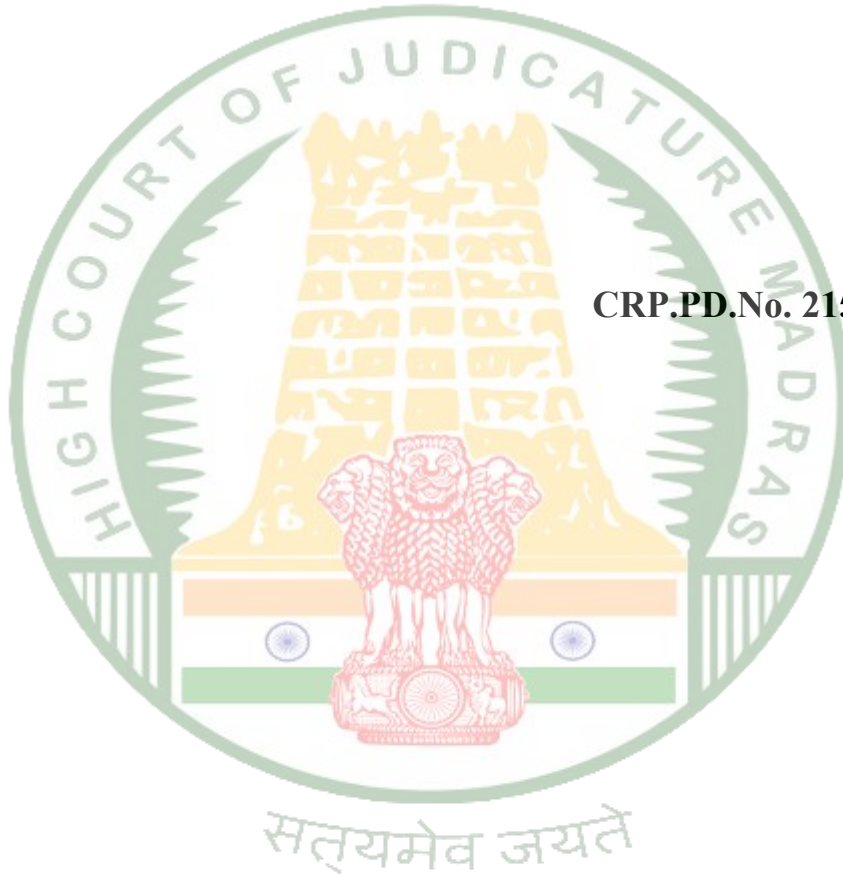
The Subordinate Court, Thiruvavarur.



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G.K.ILANTHIRAIYAN,J.

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