

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

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

CRP.PD.No. 3696 of 2016

and

CMP.No.18778 of 2016

Marimuthu ... Petitioner

Vs.

Sundari ... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree passed in C.M.A.No.5 of 2015 dated 12.02.2016 on the file of the Sub Court at Thiruvarur District, reversing the judgment and decree passed in I.A.No.65 of 2015 in O.S.No.14 of 2015 dated 27.04.2015 on the file of the District Munsif-cum-Judicial Magistrate Court at Nannilam.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Sounthar

ORDER

This Civil Revision Petition is directed as against the judgment and decree passed in C.M.A.No.5 of 2015 dated 12.02.2016 on the file of the learned Sub Judge, Thiruvarur District, reversing the fair and decretal order

passed in I.A.No.65 of 2015 in O.S.No.14 of 2015 dated 27.04.2015 the file of the District Munsif-cum-Judicial Magistrate Court at Nannilam.

2. The petitioner is the defendant in the suit filed by the respondent for bare injunction in respect of the suit property. The petitioner filed a written statement stating that on the strength of the agreement for sale executed by the respondent, he is in possession and enjoyment of the suit property by the agreement for sale dated 10.05.2003. Further, the petitioner claimed specific performance in respect of the suit property by way of counter claim. The respondent filed reply statement to the written statement filed by the petitioner herein and specifically denied the agreement for sale dated 10.05.2003 and also avered that the signature of the respondent is forged and fabricated in the agreement for sale. The respondent filed interim injunction petition and the same was dismissed on the ground that the Secretary, Z.A.84-Thirumeyachur Primary Agricultural Co-operative Credit Society Ltd., issued a letter stating that the suit property was mortgaged and availed loan, in which there is a balance payable by the respondent herein. Aggrieved by the same, the respondent filed an appeal and the Appellate Court considered the documents which were marked before the trial Court

such as Patta, Chitta and Adangal as Exs.P5 to P7 and granted interim injunction till the disposal of the suit.

3. On a perusal of Exs.P.5 to P.7 which were marked by the respondent herein being the Patta, Chitta and Adangal which were issued in favour of the respondent by the Revenue Authority viz., the Tashsildar, whereas, the documents which were relied upon the trial Court is the letter issued by the Secretary, Z.A.84-Thirumeyachur Primary Agricultural Co-operative Credit Society Ltd., which is not at all connected with the possession of the suit property. Therefore, the First Appellate Court rightly granted the interim injunction in favour of the respondent and this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

Kv

To

1. The Sub Judge, Thiruvarur District,
2. The District Munsif-cum-Judicial Magistrate, Nannilam.



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