

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.06.2021**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD).No.2430 of 2018
and C.M.P.No.14942 of 2018

1.N.T.Murugan
2.M.Indumathi

.... Petitioners

Vs

Duraisamy

.... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the Judgment and Decree dated 24.08.2016 in C.M.A.No.12 of 2016 passed by the learned III Additional District Judge, Salem reversing the Fair and Decreetal order dated 28.07.2015 in I.A.No.467 of 2014 in O.S.No.431 of 2014 passed by the Principal Sub Judge, Salem.

For Petitioners : Mr.D.Shivakumaran

For Respondent : Mr.R.Marudhachalamurthy

ORDER

The Civil Revision Petition is filed against the Judgment and Decree dated 24.08.2016 in C.M.A.No.12 of 2016 passed by the learned III Additional District Judge, Salem reversing the Fair and Decreetal order dated 28.07.2015 in I.A.No.467 of 2014 in O.S.No.431 of 2014 passed by the Principal Sub Judge, Salem, thereby granted the interim injunction.

2. The petitioners are the plaintiffs and the respondent is the 13th defendant in the suit. The suit filed by the petitioners for declaration of title declaring that the Judgment and Decree passed in O.S.No.54 of 2007 dated 22.04.2010 as null and void with the prayer of permanent injunction as against the 13th defendant namely the respondent herein.

3. The trial Court granted interim injunction and aggrieved by the same, the respondent preferred an appeal. The I Appellate Court reversed the same and dismissed the injunction petition. Aggrieved by the same, the present Civil Revision Petition has been filed.

4. On perusal of the records, the petitioners have purchased the suit property on 30.04.2008 from the 7th and 8th defendants. The 7th and 8th defendants gave title over the property by sale deed executed by the other defendants. The first defendant herein in the present suit filed a suit in O.S.No.54 of 2007 for declaration declaring the sale deed executed in favour of the 7th and 8th defendants herein as null and void and the same has decreed by the Judgment and Decree dated 22.04.2010.

5. According to the respondent herein, after the Judgment and Decree passed in O.S.No.54 of 2007, he purchased the suit property by the registered sale deed, dated 17.09.2012, from the defendants 1 to 4 in the present suit. Thereafter, the 13th defendant was to be in possession and he constructed the house and his house is also assessed to the property tax. He

perused adangal extract and kist receipts before the Court below and marked as Ex.R1 to Ex.R3.

6. Whereas, the petitioners herein purchased the suit property while pending the suit in O.S.No.54 of 2007 by the registered sale deed dated 30.04.2008 from the 7th and 8th defendants herein, the petitioners have produced to prove their possession and enjoyment of the suit property, Ex.P3 and Ex.P4 namely patta and kist receipts in respect of the suit property. On the strength of the Ex.P3 and Ex.P4, the trial Court granted interim injunction.

7. Whereas, the I Appellate Court considered Ex.R1 to Ex.R3 and also stated that the petitioners purchased the suit properties pending suit. Therefore, this Court felt that if discussed about the veracity of those documents which would affect the trial for petitioners as well as the respondent herein.

8. Therefore, this Court is of the considered opinion that the petitioners as well as the respondent are directed to maintain *status-quo* in

respect of the suit property as on today till the disposal of the main suit.
The trial Court is directed to dispose the suit, within a period of **six months** from the date of receipt of a copy of this order.

9. Accordingly, this Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No order as to costs.

30.06.2021

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rna

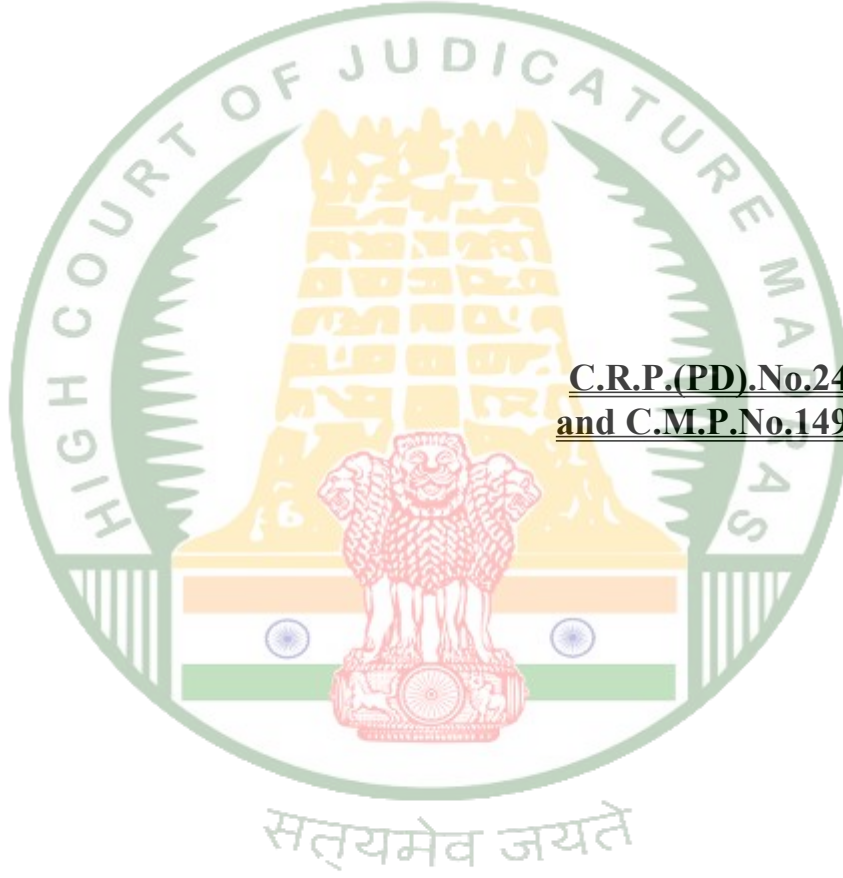
To

1. The III Additional District Judge,
Salem.
2. The Principal Sub Judge,
Salem.

WEB COPY

G.K.ILANTHIRAIYAN. J,

rna



C.R.P.(PD).No.2430 of 2018
and C.M.P.No.14942 of 2018

WEB COPY

30.06.2021