

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

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

C.R.P.(PD) No.3227 of 2016
and C.M.P.No.10294 of 2019

1. Ashok Kumar
2. Rajendra Kumar

... Petitioners

Vs.

1. Divya
2. Santhananatham

... Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 25.08.2016 made in C.M.A.No.9 of 2014 on the file of the learned Principal Sub Judge, Puducherry confirming the fair and decreetal order dated 25.08.2014 passed in I.A.No. 137 of 2014 in O.S.No.392 of 2014 on the file of the learned I Additional District Munsif, Puducherry.

For Petitioners : Mr.M.Madhu Prakash

For Respondents

For R1 : Mr.R.Thiagarajan

For R2 : No appearance

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 25.08.2016 passed by the learned Principal Sub Judge, Puducherry in C.M.A.No.9 of 2014, thereby confirming the fair and decreetal order dated 25.08.2014 passed in I.A.No. 137 of 2014 in O.S.No.392 of 2014 on the file of the learned I Additional District Munsif, Puducherry.

2. The learned counsel appearing for the petitioners would submit that the petitioners and the second respondent are the defendants in the suit filed by the first respondent herein. The first respondent filed suit for permanent injunction in respect of the suit property. According to the plaintiff/first respondent, her vendor purchased the suit property by a registered sale deed dated 15.02.2001 and from the date of the sale, they are in possession and enjoyment of the property. Whereas, the petitioners/defendants purchased the property only on 21.12.2001. According to them they are in possession and enjoyment of the property.

3. Pending the suit, the plaintiff/first respondent herein filed an application in I.A.No.137 of 2014 in O.S.No.392 of 2014 for interim injunction as against the petitioners and the second respondent herein. The trial Court by an order dated 25.08.2014 allowed the said application and the same has also been confirmed by the first appellate Court. Aggrieved by the above orders, the petitioners filed this Civil Revision Petition.

4. On perusal of records it revealed that the first appellate Court observed that even though the plaintiff/first respondent did not prove her physical possession and on the other hand, the petitioners are actively running the packaging industry in the suit property which is the proof of the fact that suit property is in possession and enjoyment of the petitioners herein. However the petitioners did not produce valid documents to show that the entire extent was in their possession and the same can be decided only during trial.

5. Considering the above facts and circumstances both parties viz., the petitioners and the first respondent are directed to maintain status

quo till the disposal of the main suit. The trial Court viz., I Additional District Munsif, Puducherry, is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

6. With the above directions, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous is closed.

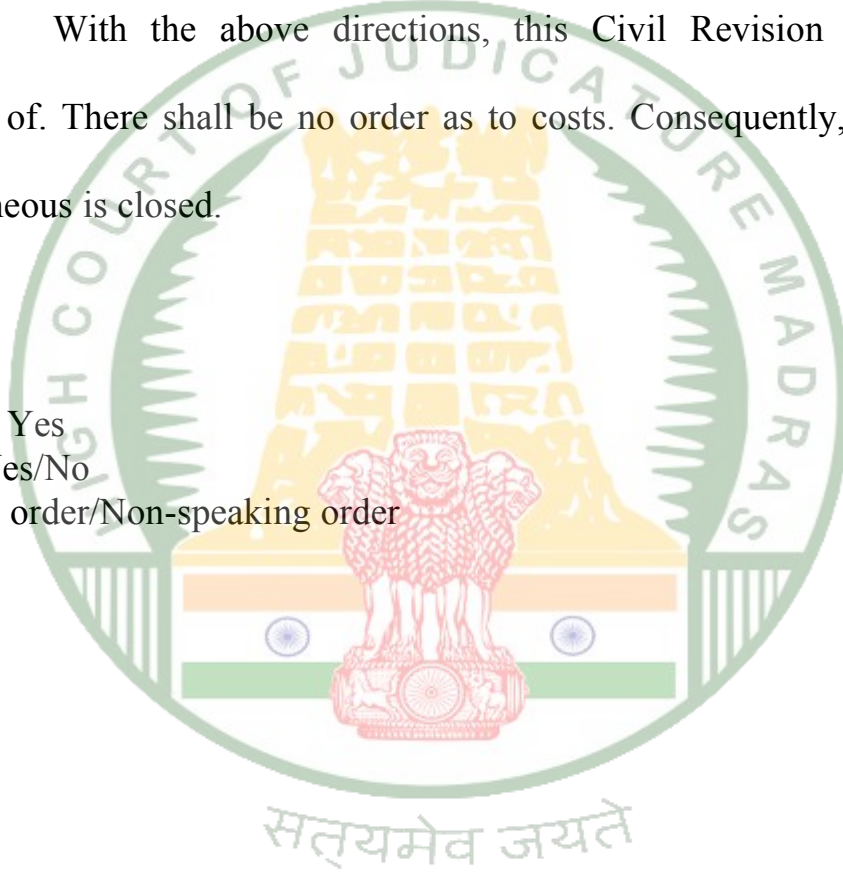
18.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The Principal District Judge,
Puducherry
2. The I Additional District Munsif,
Puducherry
3. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

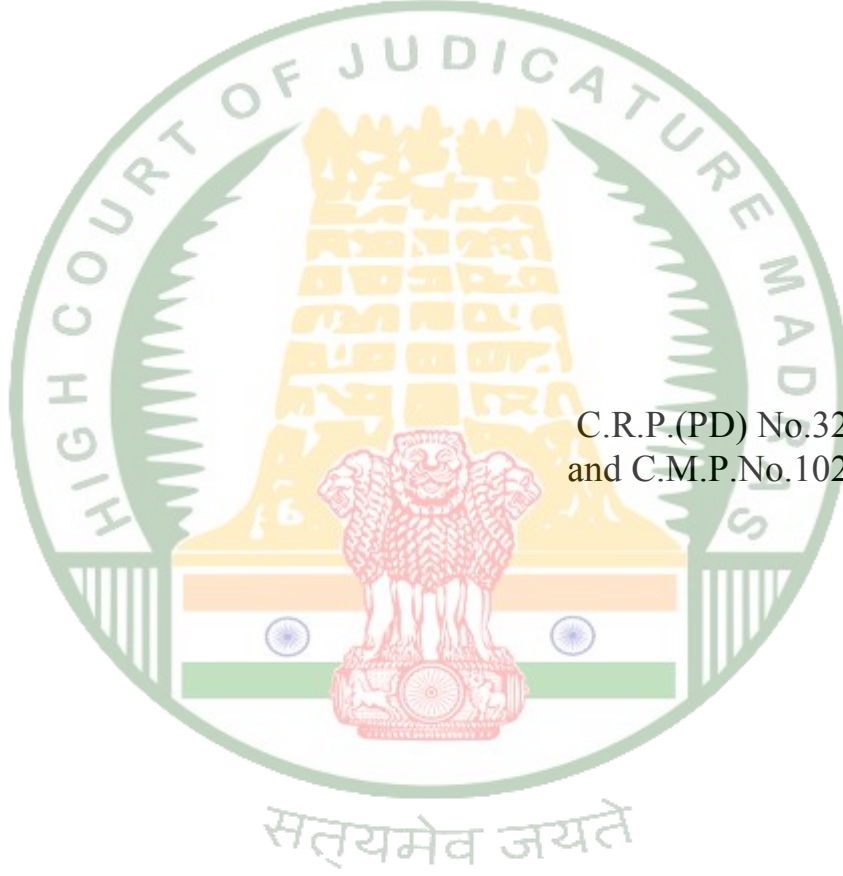


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G.K.ILANTHIRAIYAN, J.

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