



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Seventeenth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE S.S.SUNDAR

CMP.NOS.15900 AND 15906 OF 2021

IN AS.NOS.327 AND 328 OF 2021

GOVINDHARAJ [PETITIONER/APPELLANT IN BOTH THE
PETITIONS/APPEALS]

Vs

1 CHINNAMMAL [RESPONDENTS/RESPONDENTS IN BOTH THE
PETITIONS/APPEALS]

2 SATHIYARAJ

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 respondents and their men and agents from interfering with my peaceful possession and enjoyment of the property which is subject matter in O.S.No.9 of 2014 on the file of Principal District Judge, Dharmapuri. (in CMP.No.15900/2021) pending disposal of the above AS.No.327/2021

2) To grant an order of interim suspension of the decree made in O.S.No.13 of 2016 on the file of Principal District Judge, Dharmapuri dated 13.07.2021. (in CMP.No.15906/2021) pending disposal of the above AS.No.328/2021

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.C.PRABAKARAN, Advocate for the Petitioner/Appellant in both the petitions/appeals and of MR.V.SAKKARAPANI, Advocate for the Respondents/Respondents in both the petitions/appeals, the court made the following order:-

(1)CMP.No.15900/2021 in AS.No.327/2021 is filed for interim injunction restraining the respondents and their men from interfering with the peaceful possession and enjoyment of the suit property by the petitioner/plaintiff.

(2)CMP.No.15906/2021 in AS.No.328/2021 is filed seeking for an order of interim suspension of the decree made in OS.No.13/2016 on the file of the learned Principal District Judge, Dharmapuri dated



(3)The petitioner filed the suit in OS.No.9/2014 on the file of the learned Principal District Judge, Dharmapuri, for a declaration that the petitioner/plaintiff is the legal heir of the 1st defendant and for an injunction restraining the 1st defendant in the suit from encumbering or alienating the suit property. The suit is also for declaring the Sale Deed dated 01.11.2013 executed by the 1st defendant in favour of the 2nd defendant, as null and void.

(4)Though the Trial Court granted the relief in favour of the petitioner/plaintiff that he is the adopted son of the 1st defendant, the suit is dismissed in respect of other reliefs. Aggrieved by the same, the petitioner/plaintiff has preferred AS.No.327/2021.

(5)It is submitted that the petitioner/plaintiff did not file any interim application before the Trial Court and this Court also finds that the petitioner/plaintiff may not have any right during the life time of the 1st defendant. The petitioner/plaintiff also did not question the right of the 1st defendant as the owner of the property.

(6)The 2nd defendant in OS.No.9/2014 filed another suit in OS.No.13/2016 seeking permanent injunction restraining the petitioner/plaintiff herein from interfering with the peaceful possession and enjoyment of the suit property. The 2nd defendant has stated that he has purchased the property from the 1st defendant and the Court below has accepted the validity of the said sale and it has rendered a finding that the 1st defendant is in possession and enjoyment of the property. Therefore, the suit filed by the 2nd defendant for declaration that the suit property is the separate property of the 1st defendant and that the Sale Deed of the 2nd defendant is valid, was also decreed. The said suit was decreed holding that the petitioner/plaintiff in OS.No.13/2016 is in possession of the property.

(7)Having regard to the specific findings of the Court below, this Court is unable to entertain these Civil Miscellaneous Petitions.

(8)Hence, CMP.Nos.15900 & 15906/2021 in AS.Nos.327 & 328/2021 stand dismissed.

(9)Post the Appeal Suits for final disposal in the first week of January, 2022.

-sd/-
17/11/2021

/ TRUE COPY /



TO

THE PRINCIPAL DISTRICT JUDGE
DHARMAPURI

WEB COPY

Order

in

CMP.NOS.15900 AND 15906 OF 2021

IN AS.NOS.327 AND 328 OF 2021

Date :17/11/2021

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