



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Sixth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

CMP.NO.25805 OF 2019

IN SA.NO.1182 OF 2019

1 CINNAPATTALI DUKKAN

[PETITIONERS]

2 DIKKI

3 SENJI

Vs

LAKSHMIAMMAL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an interim order of injunction restraining the respondent, her men, agent, servants etc from interfering with the petitioner's peaceful possession and enjoyment of the property subject matter of the suit in OS.No.25/2000 on the file of the Principal District Munsiff Court, Thirupathur. (CMP.NO.25805 OF 2019)

XEROX COPY OF THE SCHEDULE OF PROPERTY IS ATTACHED

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.NANDHINI DEVI, for M/S.R.SUBRAMANIAN, Advocate for the Petitioner, the court made the following order:-

Ms.S.Nandhini Devi, learned counsel on record for petitioners/appellants is before this Virtual Court.

2. Lone respondent has been duly served vide Court notice on 16.12.2019, but this Court is informed that lone respondent has not entered appearance through a counsel. However, name and full/complete address of the lone respondent is shown in the cause list.

3. Be that as it may, a perusal of the case file brings to light that plaintiffs 1,3 and 4 in the trial Court, who were unsuccessful in the trial Court as well as in the first Appellate Court qua the suit for declaration of title and injunction, are the appellants in this second appeal.



4. Captioned second appeal has not been admitted. The supporting affidavit qua captioned CMP is predicated on the plea that petitioners are in possession and enjoyment of the suit property based on the judgments and decrees of the Courts below, but the plaintiffs have been non-suited concurrently and successively in both the Courts below. As the second appeal has not been admitted and only notice has been issued and as the second appeal has been listed under the cause list caption 'NOTICE OF MOTION', this Court deems it appropriate to draw the curtains on captioned CMP, but preserve the rights of the petitioners/appellants to take out an appropriate CMP with similar and same prayer in future depending on the trajectory the captioned main second appeal takes.

CMP disposed of as closed. There shall be no order as to costs.

-sd/-
26/07/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT MUNSIF JUDGE,
THIRUPATHUR.

2 THE SUBORDINATE JUDGE,
THIRUPATHUR, VELLORE DISTRICT.

Order
in
CMP.NO.25805 OF 2019
IN SA.NO.1182 OF 2019

Date :26/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
PM (03/08/2021)