



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Nineteenth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M. SUNDAR

CMP No.19397 of 2019

IN SA.NO.912 of 2019

JANARTHANAN

[PETITIONER]

Vs

1 MUTHU ODAYAR

[RESPONDENTS]

2 SRIDHARAN

3 VENMATHI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of injunction restraining the Respondents their men, agents or any person claiming through them from in any manner interfering with the peaceful possession and enjoyment of the Suit Schedule B mentioned property in O.S.NO.430 of 2007 on the file of III Additional District Munsif Court, Puducherry (IN CMP.NO.19397/2019) pending disposal of the main SA.NO.912/2019.

XEROX COPY OF THE B SCHEDULED OF PROPERTY IS ATTACHED

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.BHARATHA CHAKRAVARTHY, Advocate for the petitioner and of DR.S.S.SWAMINATHAN, ADVOCATE for 1st and 2nd Respondents, the court made the following order:-

Read this in conjunction with and in continuation of separate proceedings made today (19.07.2021) in captioned second appeal which reads as follows:

'Mr.D.Bharatha Chakravarthy, learned counsel on record for sole appellant and Dr.S.S.Swaminathan, learned counsel for respondents 1 & 2 in captioned second appeal are before this Virtual Court.

2. From the cause list placed before this Court, it comes to light that the third respondent (Venmathi, W/o.Sridharan Udayar) has been duly served, but has not entered appearance through any counsel. The name of third respondent together with full/complete address is also shown in the cause list and there is

no representation.



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3. However, Dr.S.S.Swaminathan, learned counsel submits that he may have entered appearance for third respondent. Learned counsel to verify. Registry also to verify and do the needful in the next listing.

4. Be that as it may, case file placed before this Court brings to light that the captioned second appeal has been admitted by Predecessor Hon'ble Judge on 13.09.2019. This Court is informed that the records from District Judiciary have since been received and the same are before this Court. This means that the captioned second appeal is ripe for final disposal.

5. However, the aforementioned two learned counsel request for some time to prepare for advancing final hearing arguments. Request acceded to. List the captioned second appeal under the same cause list caption i.e., 'FINAL HEARING CASES' three weeks hence.

6. List on 09.08.2021.'

2. In the captioned CMP, Mr.D.Bharatha Chakravarthy, learned counsel on record for petitioner and Dr.S.S.Swaminathan, learned counsel on record for respondents 1 & 2 are before this Virtual Court.

3. The lis which has lead to captioned main second appeal pertains to a suit for injunction to restrain defendants from obstructing completion of construction of a wall and for an injunction to protect plaintiff's possession qua suit property. Plaintiff who has been non-suited in the trial Court and has suffered a successive concurrent decree in the First Appellate Court is the appellant before this second appeal Court.

4. Be that as it may, in the light of the trajectory the main second appeal has taken today, this Court is informed that both parties will maintain status quo as on today till the disposal of captioned main second appeal. This draws the curtains on captioned CMP.

5. Captioned CMP disposed of as closed recording the aforementioned stated position of parties. There shall be no order as to costs.

-sd/-

19/07/2021

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SUBORDINATE JUDGE,
PUDUCHERRY.

2 THE III ADDITIONAL DISTRICT MUNSIF,
PUDUCHERRY.

Order
in
CMP No.19397 of 2019

IN SA.NO.912 of 2019

Date :19/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP 27/07/2021