

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

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

CRP.PD.No.2149 of 2017

and

CMP.No.10260 of 2017

C.Saravanakumar
represented by his Power Agent,
V.M.Gopalakrishnan,
S/o.C.Vembusamy,
190, Gangapuram Post,
Chithode via, Erode District.

... Petitioner

Vs.

1. Kandasamy
2. Prakasamoorthy

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 25.02.2017 passed in C.M.A.No.2 of 2016 on the file of Subordinate Judge, Perundurai against order dated 26.10.2016 passed in I.A.No.590 of 2016 in O.S.No.148 of 2016 of the file of the District Munsif, Perundurai, as prayed for by the Petitioner.

For Petitioner : Mr.A.Sundharavadhanam for
: Mr.Naveen Kumar Murthi

For Respondents : Mr.S.Kaithamalai Kumaran

ORDER

This Civil Revision Petition is directed as against the fair and final order passed in C.M.A.No.2 of 2016 dated 25.02.2017 on the file of the learned Subordinate Judge, Perundurai, confirming the order and decretal order passed in I.A.No.590 of 2016 in O.S.No.148 of 2016 dated 26.10.2016 on the file of the learned District Munsif, Perundurai, thereby, dismissing the petition for temporary injunction.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed a suit for declaration and injunction and he also filed a petition for temporary injunction. The Court below dismissed the petition for the reason that the petitioner failed to produce the documents to show that he is in exclusive possession and enjoyment of the suit properties. The respondents raised objections with respect to oral partition pleaded by the petitioner. Therefore, whether the suit properties were already partitioned or not has to be decided only during the trial by letting evidence. Therefore, the temporary injunction would not effect the right of both the parties until final decision is arrived in the suit. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Civil Revision Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

11.03.2021

Speaking/Non-speaking order

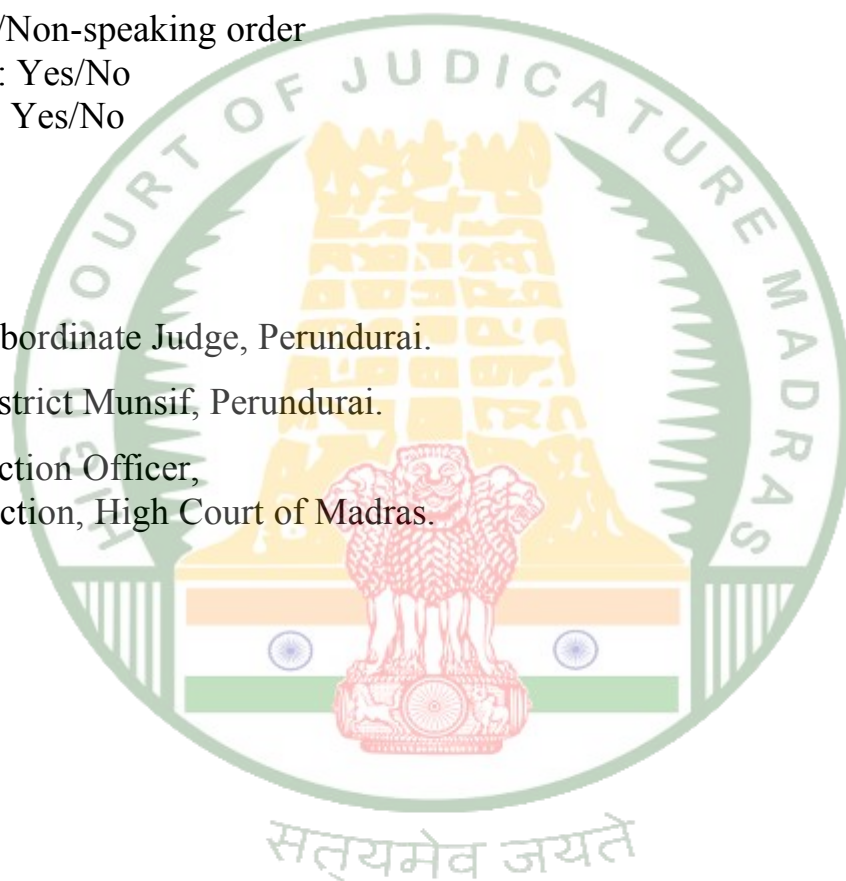
Index : Yes/No

Internet : Yes/No

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To

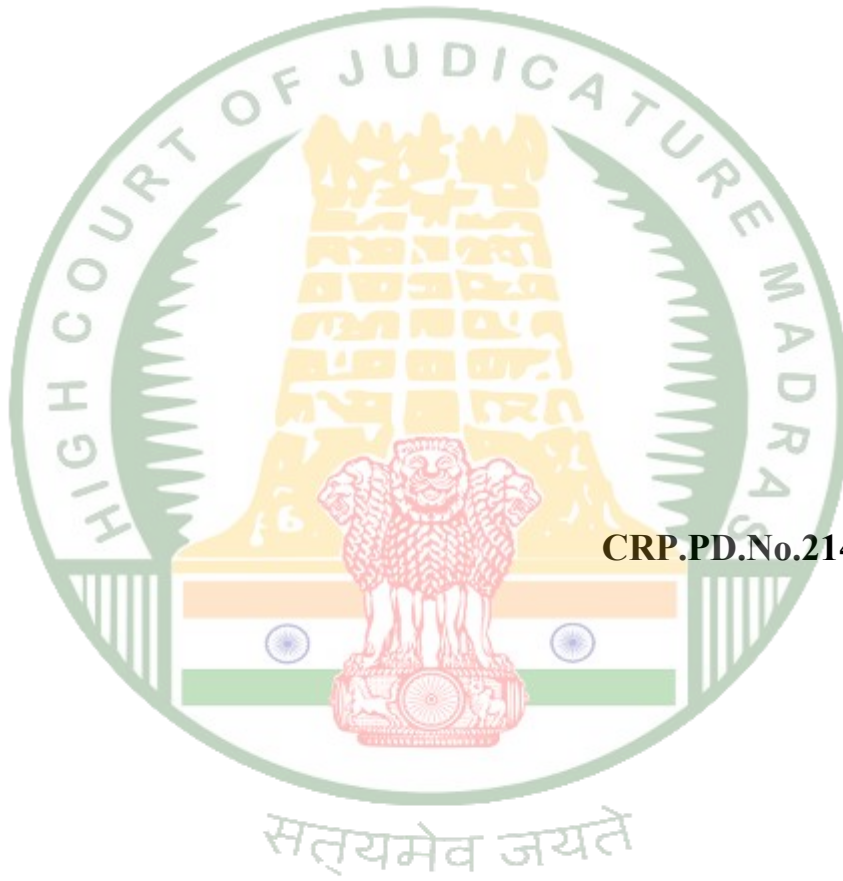
1. The Subordinate Judge, Perundurai.
2. The District Munsif, Perundurai.
3. The Section Officer,
V.R.Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Kv



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