



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

CMP No.27220 of 2019

IN SA.NO.1253 OF 2019

M.SUBRAMANI

[PETITIONER]

Vs

1 RAMAIEE
2 K.PRABHU

[RESPONDENTS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to granting an order of interim injunction restraining the respondent from altering the physical features of the suit property more fully described in the schedule to the petition filed hereunder which is the subject matter of OS NO.305/2012 on the file of the Principal District Munsif Court, Namakkal (IN CMP.NO.27220 OF 2019) pending disposal of the above Second Appeal No.1253 of 2019.

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.SHIVAKUMARAN, Advocate for the petitioner and of MR.C.THANGARAJU, ADVOCATE on behalf of the Respondents the court made the following order:-

Mr.D.Shivakumaran, learned counsel on record for petitioner/appellant and Mr.C.Thangaraju, learned counsel on record for respondent/respondent are before this Virtual Court.

2. Captioned main second appeal arises out of a partition suit between siblings. Trial Court dismissed the suit after full contest. Plaintiff carried the matter in appeal to First Appellate Court, which interfered with the trial Court findings and reversed the same by allowing the first appeal. This means that there is a preliminary decree for partition now. Therefore, the defendant is before this second appeal Court.



3. Captioned main second appeal is admitted today (30.07.2021) on two substantial questions of law.

4. Captioned Civil Miscellaneous Petition [CMP] has been taken out by appellant in second appeal with a prayer for interim injunction restraining the respondent from altering the physical features of the suit property, pending second appeal.

5. There is no disputation that there has since been alienation of suit property and C.M.P.No.2257 of 2020 has been taken out by the appellant in second appeal to implead the alienees and the same is pending.

5. Therefore, captioned CMP is closed as unnecessary, preserving all the rights and contentions of both sides. There shall be no order as to costs.

-sd/-
30/07/2021
/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT
MUNSIF NAMAKKAL.

2 THE SUBORDINATE JUDGE
NAMAKKAL.

Order

in
CMP.27220/2019
IN SA.NO.1253 OF 2019

Date :30/07/2021

From 26.2.2001 the Registry is issuing certified
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TP (10/08/2021)P