

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD) No.2958 of 2018
and C.M.P.No.17294 of 2018

1. The Nilgiri Tea Estates Ltd.
The Company rep by its Managing Director
Having its registered office at Mailoor Estate
Kullacombai Post, Coonoor,
The Nilgiris.

2. The Mailoor Estate,
The Nilgiris Tea Estate Company Ltd.,
Rep by its Manager,
Mr.George Varghese
having office at Mailoor Estate,
Kullacombai Post, Coonoor,
The Nilgiris.

...

Petitioners

Vs

Younis Sultan

सत्यमेव जयते...

Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 03.04.2018 made in CMA No.4 of 2017 on the file of the Subordinate Judge, Coonoor confirming the fair and decreetal order dated 15.02.2017 in I.A.No.3 of 2016 in O.S.No.1 of 2016 on the file of the District Munsif, Coonoor.

For Petitioners : Mr.C.A.Diwakar
For Respondent : M/s.A.L.Gandhimathi

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 03.04.2018 made in CMA No.4 of 2017 on the file of the Subordinate Judge, Coonoor, confirming the fair and decreetal order dated 15.02.2017 in I.A.No.3 of 2016 in O.S.No.1 of 2016 on the file of the District Munsif, Coonoor, thereby granting temporary injunction till the disposal of the suit.

2. The learned counsel for the petitioners would submit that the respondent had not purchased the properties from the petitioners but from the vendors of different persons. Therefore, in the sale deed, the respondent is claiming right of way to reach the property, which is a private property and it must be regulated for limited use.

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3. On perusal of the sale deeds revealed that the respondent purchased the suit properties together with the right of way to have free ingress, regress and egress to approach the road from the suit schedule

property. It further reveals that the sale deeds were executed by the vendors with specific recital in respect of right of way to reach the suit properties. The respondent also marked Exs.P1 to P19, which are all sale deeds executed in their favour. Therefore, the Court below rightly allowed the petition for temporary injunction.

4. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petition is dismissed. However, the right of way to have free ingress, regress and egress to approach the road from the suit properties may be regulated for limited use. Consequently, connected Miscellaneous Petition is closed. No costs.

19.07.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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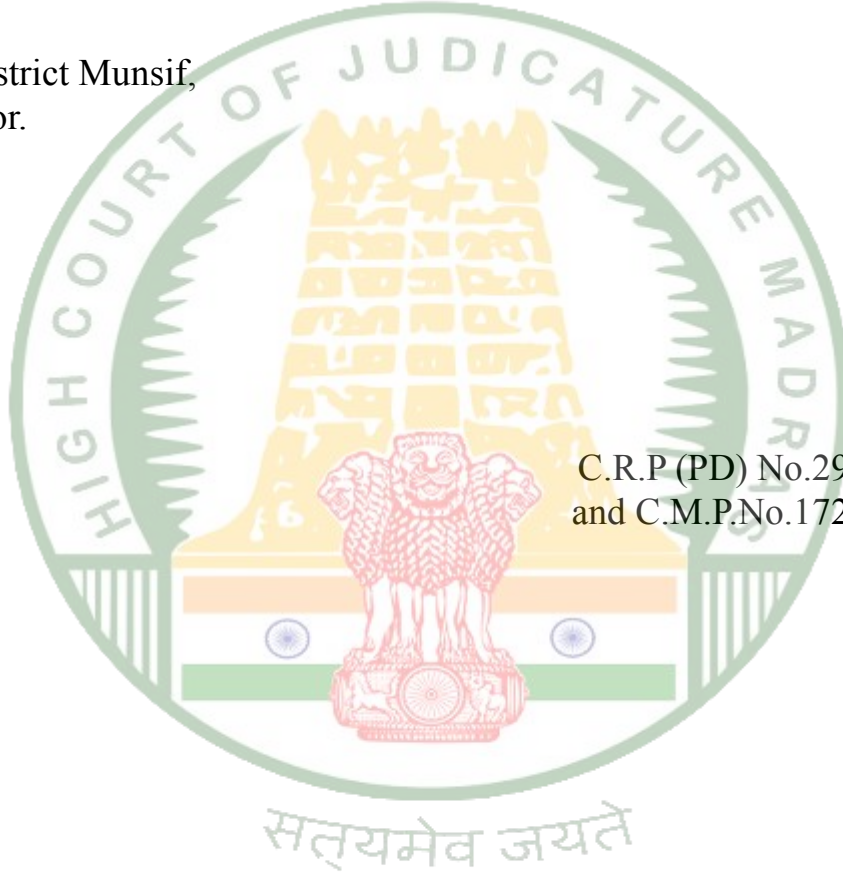
G.K.ILANTHIRAIYAN.J,

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To

1.The Subordinate Judge,
Coonoor.

2.The District Munsif,
Coonoor.



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