



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the First day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.7242 of 2020
IN
SA(MD) No.700 of 2020

1 CHELLAMUTHU
2 GOPAL

... PETITIONERS/ PETITIONERS

Vs

1 CHINNATHAMBI
2 K.CHINNATHAMBI

... RESPONDENTS/ RESPONDENTS

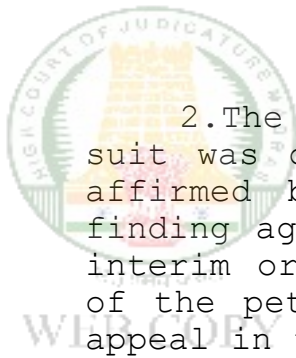
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order granting interim injunction restraining the respondents their men agent from anyway interfering with the petitioners peaceful possession and enjoyment of the suit property which is the subject matter in OS No.48 of 2012 on the file of the Additional District Munsif Cum Judicial Magistrate Court, Manamadurai pending disposal of the Second Appeal.

PRAYER IN SA(MD) No.700 of 2020:

To allow the Second Appeal and set aside the Judgment and Decree dated 25.11.2019 made in A.S.No.100 of 2019 on the file of Sub Court, Manamadurai confirming the Judgment and decree dated 06.10.2017 made in OS No.48 of 2012 on the file of the Additional District Munsif Cum Judicial Magistrate Court, Manamadurai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.PT.S.NARENDRAVASAN, Advocate for the petitioners and of Mr.G.BHAGAVATH SINGH, Advocate for the 1st Respondent and Mr.S.NATARAJAN, Advocate for the 2nd Respondent, the court made the following order:-

This application has been filed seeking an interim injunction restraining the respondents from interfering with petitioners' possession and enjoyment of the property subject matter of O.S.No.48 of 2012, on the file of the Additional District Munsif Court, Manamadurai, pending disposal of the above second appeal.



2.The suit is one for declaration of title and injunction. The suit was dismissed by the trial Court and the said dismissal was affirmed by the appellate Court. Thus, there is a concurrent finding against the petitioner. It is also seen that there was no interim order pending the suit or appeal protecting the possession of the petitioners. Hence, this petition is dismissed. Post the appeal in the usual course.

sd/-

01/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUBORDINATE JUDGE,
MANAMADURAI.

2 THE ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, MANAMADURAI.

+1 CC to M/s.S.NATARAJAN, Advocate (SR-1671[I] dated 02/03/2021)

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate (SR-1704[I] dated 03/03/2021)

ORDER

IN

CMP(MD) No.7242 of 2020

IN

SA(MD) No.700 of 2020

Date :01/03/2021

cmr

MS/VR/SAR-3/04.03.2021/2P.5C