



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

Friday, the Twenty Ninth day of January Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.11845 of 2018
IN
AS(MD) No.200 of 2018

V.JEYACHANDRAN

... PETITIONER/APPELLANT

Vs

- 1 M.SARBUDIN (DIED)
- 2 LOORDHU MANIMEKALAI
- 3 S.FERNANDO SELVARAJ
- 4 DURAIKANNU (DIED)
- 5 ESTHER DHANABAL @ NADARAMMAL
- 6 PEDRISHIA PAPPU
- 7 PRABHA
- 8 PRADEEP
- 9 JERINA SARBUDIN
- 10 ANIZ FATHIMA
- 11 SAJITHA
- 12 SABAIRA
- 13 BEER MOHAIDEEN
- 14 ABDUL KADAR JAILANI

[5 TO 8 DEFENDANTS WERE IMPEADED AS
LEGAL HEIRS OF THE DECEASED 4th DEFENDANT
AS PER ORDER IN IA.No.137/2013]

[9 TO 14 DEFENDANTS WERE IMPEADED AS
LEGAL HEIRS OF THE DECEASED 1st DEFENDANT
AS PER ORDER IN IA.No.310/2014]

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim injunction restraining the respondents herein from in any manner making improvement or alienating the suit properties which are the subject matter of O.S.No.45 of 2011 on the file of Learned Additional District Judge, Palani, pending disposal of the above appeal suit.

**SCHEDULE OF SUIT PROPERTY****"A" SCHEDULE"-**

Dindigul District, Kodaikanal Taluk, Kodaikanal Town old Survey No.393, Town Survey No.44 Ward D, Block No.15, out of 19 cents the site measuring eastern 7.1/2 cents or 3270 sq.feet situate within the following boundaries:-

North : East West Municipal Road and Common Toilet
South : East West Road
East : Vacant puramboke Land in TS 45 and North South Road
West : Western 11.1/2 Cents out of 19 cents in TS44.

"B" SCHEDULE:-**PORTION ENCROACHED BY 1st DEFENDANT:-**

Dindigul District, Kodaikanal Taluk, Kodaikanal Town old Survey No.393, Town Survey No.44 Ward D, Block No.15, out of 19 cents the site measuring eastern 7.1/2 cents or 3270 sq.feet and in this an area measuring North South on the east and west 62 feet and east west on the North 28 feet and on the South 29 feet within this the 1st defendant has put up a toilet and compound wall situate within the following boundaries:-

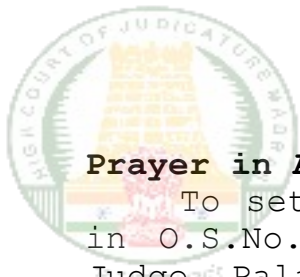
North : East West Municipal Road and Common Toilet
South : "C" Schedule Portion
East : Vacant puramboke Land in TS 45 and North South Road
West : Remaining house portion of Sarbudin.

"C" SCHEDULE:-**PORTION ENCROACHED BY 1st DEFENDANTS 2 & 3:-**

Dindigul District, Kodaikanal Taluk, Kodaikanal Town old Survey No.393, Town Survey No.44 Ward D, Block No.15, out of 19 cents the site measuring eastern 7.1/2 cents or 3270 sq.feet and in this an area measuring North South on the east 48 feet and west 47 feet and East West on the North 28 feet and on the South 36 feet within this the defendants 2 and 3 have put up a residential dwelling house and compound was situate within the following boundaries:-

North : "B" Schedule Property
South : East West Road
East : Vacant puramboke Land in TS 45 and North South Road
West : Sridhar Land.

(B and C Schedule forms part of A Schedule Property)

**Prayer in AS(MD) No.200 of 2018:**

To set aside the Judgment and decree dated 25.09.2018 and made in O.S.No.45 of 2011 on the file of Learned Additional District Judge, Palani, and allow the above Appeal Suit.

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.K.P.S.PALANIVEL RAJAN, Advocate for the petitioner and of Mr.C.CHRISTOPHER, Advocate for the Respondents 2 and 3, the Court made the following order:-

Since the main Appeal Suit is posted for final hearing on 25.02.2021, the learned counsel for the petitioner is not seriously pressing this petition and therefore, this Miscellaneous Petition is closed.

sd/-
29/01/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ADDITIONAL DISTRICT JUDGE,
PALANI.

ORDER
IN
CMP(MD) No.11845 of 2018
IN
AS(MD) No.200 of 2018
Date :29/01/2021

VSM
TE/JC/SAR-I : 08/02/2021 : 2P/2C