



C.R.P (PD) No.1352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM: JUSTICE N.SESHASAYEE

C.R.P (PD) No.1352 of 2022
and C.M.P. No.7126 of 2022

N.Ganghadharan (Deceased)

1.G.Pankajavalli

2.G.Sivakumar

3.G.Chandrakumar

4.G.Vijayakumar

5.G.Malarvizhi

6.G.Kalyankumar

... Petitioners

Vs.

M.Yamuna

... Respondent

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in C.M.A. No.1 of 2014 by the Principal Subordinate Judge at Chengalpattu dated 29.11.2021 confirming the fair and decretal order dated 14.03.2014 in I.A. No.566 of 2012 in O.S. No.107 of 2012 passed by the District Munsif Judge at Chengalpattu, with penal cost throughout.



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For Petitioners : Mr.V.Kannan

For Respondent : Ms.Kanimozhi Mathi

ORDER

The defendants who have suffered successive orders of interim injunction vide order of the District Munsif, Chengalpattu dated 14.03.2014 made in I.A. No.566 of 2012 in O.S. No.107 of 2012 and in C.M.A. No.1 of 2014 dated 29.11.2021 on the file of the learned Principal Subordinate Judge, Chengalpattu, have come forward with the present revision.

2. Heard the learned counsel for the revision petitioners and the learned counsel for the caveator.

3. The trial court has delved into details of certain of facts and found existence of *prima facie* material for grant of interim injunction in favour of the respondent/plaintiff. This court does not find any reason, whatsoever, to interfere with such finding on fact, as there is no illegality or irregularity or impropriety in the order of the trial court.



4. The learned counsel for the revision petitioners insisted that, yet patta is not a document of title, the trial court has considered it thus. It has to be clarified that while there are two classes of patta, one that evidences a provincial title and that another which creates title such as assignment patta, this distinction, the trial court has to bear in mind, while disposing of the suit.

5. Yet another contention raised by the learned counsel for the revision petitioners is that on the strength of the injunction order obtained by the respondent/plaintiff, she is alienating the physical features of the property and making some improvement in the property. It is underscored that, whatever improvement worth that is done on the property, will be subject to the outcome of the suit.

6. Since the suit is pending for a decade now, this court now directs the trial court to expedite the trial of the suit and dispose of the same within a period of four months, at any rate, not later than September, 2022. The learned trial judge is required not to be influenced by the line of reasoning in the order and is required to apply his mind on the basis of the evidence that might be let in during trial.



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7. The revision is disposed of accordingly. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

22.04.2022

Asr

To

- 1.The Principal Subordinate Judge, Chengalpattu
- 2.The District Munsif, Chengalpattu



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N.SESHASAYEE, J.,

Asr

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