



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.No.1202/2019 and CMP.No.7237/2019

[Video Conferencing]

D.Kavivishnu
D.Sankar

.. Petitioners/Respondents, D1&2
Vs.

M.Kaliammal
K.Dharmaraj

.. 1st Respondent/Plaintiff
.. 2nd Respondent/3rd Defendant

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.11.2018 made in CMA.No.1/2018 on the file of the Subordinate Court, Dharapuram and confirming the fair and decreetal order in I.A.No.688/2017 in O.S.No.245/2017 on the file of the District Munsif Court, Dharapuram.

For Petitioners : Mr.P.Balamurali
For Respondents : M.R.Thangavel

ORDER

- (1) The petitioner in the Civil Revision petition is the defendant in the Suit in O.S.No.245/2017 on the file of the District Munsif Court, Dharapuram.
- (2) The Suit was filed by the respondents for permanent injunction restraining the revision petitioner from putting up any construction over the Suit property.
- (3) It is also admitted that the same property is also the subject matter of another Suit for partition in O.S.No.75/2017 filed by the vendor of respondent. It is also admitted that in respect of the same property another Suit is filed by one of the sharers for partition.
- (4) However, the revision petitioner who is the purchaser of the property from some of the legal heirs is not a party to the Suit for partition. The Trial Court in O.S.No.245/2017 allowed the application filed by the respondent/plaintiff for interim injunction restraining



the revision petitioner from putting up any construction over the Suit property. The said application is also confirmed by the Lower Appellate Court in CMA.No.1/2018.

(5) Having regard to the fact that the interim injunction is granted only by restraining the revision petitioner putting up any construction, this Court is of the view that the Lower Court may be directed to dispose of both the Suits with a further direction to maintain status quo as on date by parties concerned. In the result, the revision petition is dismissed confirming the order dated 26.11.2018 passed by the Lower Appellate Court in CMA.No.1/2018.

(6) It is open to the revision petitioner to file an application to implead himself as a party in O.S.No.75/2017 before the District Munsif Court, Dharapuram. The learned District Munsif, Dharapuram is directed to dispose of both OS.No.245/2017 and OS.No.75/2017 on merits, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cda

To

1. The Subordinate Judge, Dharapuram.
2. The District Munsif Court, Dharapuram.

+1cc to Mr.P.Balamurali, Advocate, S.R.No.7550

+1cc to Mr.C.Anbu, Advocate, S.R.No.7295

CRP.No.1202/2019

MT (CO)

CT/21/02/2021