



WEB COPY



CRP(PD)No.1481 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.1481 of 2022

Amsavalli

Versus

... Petitioner

1.Paramasivam

2.Ramalingam,

3.Ramadoss,

4.M/s.Servo Packaging Ltd.,

Rep. by its Director,

2/6-B, Thottakal road,

karamanikuppam,

Mudaliarpet,

Puducherry – 605 004.

5.R.Sundaramurthy,

6.R.Sambandhamurthy,

7.R.Thirugnanasambandam,

8.Gowri,

9.Kasthuribai,

10.Renuka,

11.Adhilakshmi,

Appar (died)

Manicavasagam (died)

Rep. by LRs 12 to 14



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12.Selvi,

13.Balamurugan (minor)

14.Abirami (minor)

Minors 13 & 14 rep.by
their next friend / mother
respondent No.12

15.Latha @ Karthika,

16.Kumarakurubaran,

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and decretal order in I.A.No.418 of 2020 in A.S.No.54 of 2018 dated 22.12.2021 on the file of the II Additional District Judge, Puducherry.

For Petitioner : Mr.N.Suresh

For R4 : Mr.T.P.Manokaran
Senior Counsel
for T.M.Naveen

ORDER

The plaintiff having lost a suit in O.S.No.21 of 2008 on the file of Additional Sub Court, Puducherry, has preferred A.S.No.54 of 2018 before the II Additional District Court, Puducherry.

2.Before the Appellate Court, the revision petitioner / plaintiff / appellant took out an application in I.A.No.418 of 2020 to grant interim injunction as against the 5th respondent, restraining him from alienating the suit property to 3rd



party pending disposal of the case under Order 39 Rule 1 C.P.C. The 1st Appellate Court vide its impugned order dated 22.12.2021 has closed the said application on the ground that the main appeal itself is ripe for final hearing.

3.This Court is informed that only the 5th defendant / 4th respondent is contesting the Suit and it is represented before this Court now.

4.Heard both sides. Perused the materials placed on record.

5.While this Court does not prima facie appreciate the approach of the 1st Appellate Court to the application before it, yet it chooses to dispose of the matter since both the contesting parties are before the Court.

6.The Suit is laid *inter alia* for declaration that few sale deeds executed as pertaining to the suit properties do not bind on the plaintiff, the plaintiff claims 1/4 share in the property. The plaintiff has lost the Suit and the appeal is yet to be adjudicated.



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N.SESHASAYEE, J.

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7.This Court is informed that the plaintiff did not have the advantage of any order of interim injunction such as the one she now seeks in application in I.A.No.418 of 2020. The injunction sought is to restrain the 5th defendant / 4th respondent from alienating the property. The learned counsel for the revision petitioner worried that the property might be encumbered.

8.In as much as the plaintiff has already suffered a decree dismissing a Suit, this Court cannot presume that there exists a strong prima facie case in her favour for the present. Needless to state, if the 5th defendant / 4th respondent herein executes any document of conveyance affecting the property, then it will only be subject to the outcome of the appeal in A.S.No.54 of 2018. This revision is accordingly disposed of at the admission stage itself. No costs.

29.04.2022

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To
The II Additional District Court
Puducherry.

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