



C.R.P.(PD)Nos.1391 and 1392 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1391 and 1392 of 2016
and C.M.P.No.7761 of 2016

1.P.Radhamani
2.S.Umesh
3.S.Suresh
Petitioners

..

in both CRPs.

Vs.

1.L.Puttuswamy (died)
2.L.Sivalingam
3.Rukmani
4.Hemalatha
5.Punitha
6.Rajkumar
7.Manoj
8.Poornima

(Respondents 3 to 8 brought on record
as legal heirs of the deceased 1st respondent
viz. L.Puttuswamy vide Court order dated
06.07.2021 made in C.M.P.Nos.9698 and
9700 of 2021 in C.R.P.(PD)Nos.1391 and
1392 of 2016)

.. Respondents



C.R.P.(PD)Nos.1391 and 1392 of 2016

in both CRPs.

PRAYER: C.R.P.(PD)No.1391 of 2016 is filed under Article 227 of the Constitution of India, against the judgment and decree dated 18.02.2016 in C.M.A.No.5 of 2014 on the file of the Sub Court, Udhagamandalam, confirming the fair and decretal order dated 19.06.2014 in I.A.No.169 of 2013 in O.S.No.40 of 2013 on the file of the District Munsif Court, Nilgiris at Udhagamandalam.

C.R.P.(PD)No.1392 of 2016 is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 18.02.2016 in I.A.No.49 of 2015 in C.M.A.No.5 of 2014 on the file of the Sub Court, Udhagamandalam.

In both CRPs.

For Petitioners	: Mrs.AL.Ganthimathi
For R1	: died
For R2	: Mr.V.G.Suresh Kumar
For R3 to R8	: Mr.L.Mouli

COMMON ORDER

(The matter is heard through “Video-conferencing”)

C.R.P.(PD)No.1391 of 2016 is filed against the judgment and decree dated 18.02.2016 in C.M.A.No.5 of 2014 on the file of the Sub



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Court, Udhagamandalam, confirming the fair and decretal order dated 19.06.2014 in I.A.No.169 of 2013 in O.S.No.40 of 2013 on the file of the District Munsif Court, Nilgiris at Udhagamandalam.

C.R.P.(PD)No.1392 of 2016 is filed against the fair and decretal order dated 18.02.2016 in I.A.No.49 of 2015 in C.M.A.No.5 of 2014 on the file of the Sub Court, Udhagamandalam.

2.Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the 2nd respondent and respondents 3 to 8 and perused the entire materials on record.

3.The petitioners are defendants 2 to 4, 1st respondent is plaintiff and 2nd respondent is 1st defendant in O.S.No.40 of 2013 on the file of the District Munsif Court, Nilgiris at Udhagamandalam. Pending Civil Revision Petition, the 1st respondent died and his legal heirs were impleaded as respondents 3 to 8. The 1st respondent filed the said suit for permanent injunction restraining the petitioners and 2nd respondent from



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entering into the suit schedule property committing act of waste or causing nuisance or interfering with his peaceful possession and enjoyment of the suit property. In the said suit, the 1st respondent filed I.A.No.169 of 2013 under Order XXXIX Rule 1 of C.P.C. for grant of ad interim injunction pending suit. In the application, the 2nd respondent and petitioners filed separate counter affidavits. Before the trial Court, both the petitioners and respondents did not let in any oral evidence. The 1st respondent marked four documents as Exs.P1 to P4 and petitioners marked one document as Ex.R1. The learned Judge considering the pleadings and documents filed by the parties, allowed I.A.No.169 of 2013 and granted interim injunction till the disposal of the suit. The petitioners challenging the said order dated 19.06.2014 made in I.A.No.169 of 2013 in O.S.No.40 of 2013, filed C.M.A.No.5 of 2014. In C.M.A., the petitioners filed I.A.No.49 of 2015 under Order XLI Rule 27 read with Section 151 of C.P.C. for permission to the petitioners to adduce additional documents. The learned First Appellate Judge by the order dated 18.02.2016 and judgment on the same date, dismissed both



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the application and C.M.A.

4.Challenging the said judgment and order of dismissal dated 18.02.2016 made in C.M.A.No.5 of 2014 and I.A.No.49 of 2015 in C.M.A.No.5 of 2014, the petitioners have come out with the present Civil Revision Petitions.

5.From the materials on record, it is seen that the 1st respondent has filed the suit for permanent injunction. Pending suit, the 1st respondent filed I.A.No.169 of 2013 for interim injunction. The trial Court granted interim injunction. The appeal filed by the petitioners challenging the said interim order was dismissed. The learned Judge also dismissed the application filed by the petitioners for permission to file additional documents. The relief sought for in the suit is for permanent injunction restraining the 2nd respondent and petitioners from interfering with peaceful possession and enjoyment of the 1st respondent and interim injunction pending suit is in force from 19.06.2014, the order passed in I.A.No.169 of 2013. In view of the relief sought for in the suit, interim



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injunction granted by the trial Court on 19.06.2014 and confirmed by the First Appellate Court, without deciding both the Civil Revision Petitions on merits, the trial Court is directed to dispose of the suit in O.S.No.40 of 2013, without being influenced by the order passed in I.A.No.169 of 2013 and judgment in C.M.A.No.5 of 2014, as expeditiously as possible, in any event, within six months from the date of receipt of a copy of this order. Till the disposal of the suit, status-quo as on today shall be maintained by the parties. It is open to the petitioners to produce all the documents relied on by them by filing application and it is for the trial Court to decide whether the said application has to be allowed to mark the documents filed, subject to relevancy and maintainability.

6. With the above directions, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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To

- 1.The District Munsif, Nilgiris at Udhagamandalam.
- 2.The Subordinate Judge, Udhagamandalam.



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V.M.VELUMANI, J.

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