



W.M.P.No.17450 of 2022 in W.P.No.10121 of 2022

W.M.P.No.17450 of 2022 in
W.P.No.10121 of 2022

WEB COPY

N.SATHISH KUMAR,J.

Though this petition has been filed seeking to grant leave to the petitioner namely G.Pattammal to be impleaded as 8th respondent in W.P.No.10121 of 2022, the learned counsel appearing for the petitioner would submit that taking advantage of the order of this Court in paragraph 4 in the above writ petition, the 1st respondent/petitioner is restraining the respondents 5 to 7. According to him, they have the possession of the property and the mortgage is also registered in favour of their parents in the year 1996 and the possession was also handed over to them which has been suppressed by the writ petitioner. He also produced the encumbrance certificate in that aspect and the mortgage deed is also produced. On a perusal of the same, it is seen that the mortgage with possession was executed in the year 1996 in favour of the father of R6 and father-in-law R7. The learned counsel for the 1st respondent/petitioner would submit that if there is any legal mortgage is executed, they will not disturb the possession and their rights will be decided in the Civil Court.



W.M.P.No.17450 of 2022 in W.P.No.10121 of 2022

N.SATHISH KUMAR,J.

Ksa-2

2. In view of the above, paragraph 4 of the order in W.P.No.10121 of 2022 dated 13.06.2022 is modified to the effect that;

“4. As long as the mortgage deed in existence, the respondents 5 to 7 should not be disturbed. In respect of other rights on the basis of the documents particularly, the gift deed and trust deed, the same shall be agitated before the Civil Court”. The petitioner and the respondents 5 to 7 shall agitate their rights only in the Civil Court with regard to title.

3. Accordingly, this Miscellaneous Petition is closed.

16.08.2022

ksa-2

Note: Registry is directed to carry out necessary amendment and issue a fresh order copy.

W.M.P.No.17450 of 2022 in
W.P.No.10121 of 2022