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C.R.P.No.2264 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2264 of 2019

Partheeban

.. Petitioner

Vs.

Bangaruswamy Reddiar (died)

1. Vittobai Ammal

2. Srimathi Ammal

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to allow this Civil Revision Petition and set aside the Fair and Decretal order dated 01.03.2019 passed by the Subordinate Judge, at Maduranthakam in I.A.No.29 of 2019 in ASSR.No.5974 of 2016.

For Petitioner : Mr.T.Panchatsaram

ORDER

This Civil Revision Petition has been filed to set aside the Fair and Decretal order dated 01.03.2019 passed by the Subordinate Judge, at Maduranthakam in I.A.No.29 of 2019 in ASSR.No.5974 of 2016, thereby dismissing the application filed seeking injunction in the appeal suit.



2. The petitioner is the plaintiff and the respondents are the defendants.

The petitioner filed a suit for declaration and delivery of vacant possession of the suit property. The said suit was dismissed. Aggrieved by the same, the petitioner filed an appeal suit in ASSR No. 5974 of 2016. Without even numbering the appeal suit, the petitioner filed an application for interim injunction under Order 39 Rule 1 and 2 of CPC, restraining the respondents from putting up a new terraced construction in the suit property.

3. The appeal itself was filed with a delay in 899 days in re-presentation and there was two years delay in filing the appeal suit. Without even numbering the appeal, the petitioner filed an application for injunction. Therefore, it is not at all maintainable. That apart, the suit filed by the petitioner was dismissed and the respondents are in possession and enjoyment of the suit property.

4. Therefore, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed.



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WEB COPY 5. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The Subordinate Judge, at Maduranthakam.

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