



CRP.No.3424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3424 of 2022

and

CMP.No.18178 of 2022

Anbarasu

... Petitioner

Vs.

1.K.Palanisamy
2.Deivathal
Respondents

...

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 13.09.2022 passed in CMA.No.01 of 2022 on the file of the Subordinate Court, Palladam, confirming the order in I.A.No.287 of 2021 in O.S.No.132 of 2021 dated 10.01.2022 on the file of the District Munsif Court, Palladam by allowing the present Civil Revision Petition.



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For Petitioner : Mr.R.Jayaprakash
for Mr.M.Guruprasad
For Respondent :Mr.K.Govi Ganesan

ORDER

This Civil Revision Petition is filed by the defendant in a suit for injunction.

2. Pending injunction suit, the respondents/plaintiffs filed I.A.No.287 of 2021 seeking temporary injunction and after contest, the I.A. was allowed and temporary injunction was granted in favour of the respondents. Aggrieved by the same, the petitioner preferred an appeal in CMA.No.01 of 2022 on the file of the Subordinate Court, Palladam. The Appellate Court dismissed the appeal and aggrieved by the same, the petitioner/defendant has approached this Court.



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3. The Court below based on the title documents of the respondents which were marked as Ex.P5 and Ex.P6 and also the revenue documents which were marked as Ex.P7 to Ex.P13 came to the conclusion that prima facie the respondents established their possession over the suit property and granted temporary injunction. Admittedly, the respondents had been enjoying the order of temporary injunction from 10.01.2022 onwards.

4. The learned counsel for the petitioner submitted that the petitioner purchased undivided $\frac{1}{2}$ share in S.No.25/1 from the brothers of the respondents' vendor. The rival contentions of the parties cannot be gone into at this stage.

5. Taking into consideration, the respondents are enjoying the benefit of temporary injunction from 10.01.2022 onwards, this Court is inclined to issue a direction to the Court below to dispose of



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the suit within a period of six months from the date of receipt of a copy of this order. It is also made clear both the parties should not alter the physical features of the property till the disposal of the suit.



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S.SOUNTCHAR, J.

dna

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

dna

To

1.The Subordinate Court, Palladam

2.The District Munsif Court, Palladam.

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