



CRP.No.2213 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2213 of 2017
and CMP.No.10538 of 2017

Kannammal

... Petitioner

Vs.

1.P.Shanmugam(died)

2.A.Sarkarias

3.R.Jagathambal

4.S.Velumani

5.S.Sivakumar

(R3 to R5 brought on record as LR's of the deceased

R1 viz. P.Shanmugam vide court order dated 08.11.2022

in CMP.Nos.11485, 11486 and 11489 of 2022

in CRP.No.2213 of 2017)

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the order and decree dated 10.06.2013 made in CMA.No.17 of 2011 on the file of the I Additional Sub Judge, Coimbatore confirming the IA.No.350 of 2011 in OS.No.281 of 2011 on the file of the Principal District Munsif, Coimbatore and consequently allow the application in IA.No.350 of 2011 in OS.No.281 of 2011 on the file of the I Additional Sub Judge, Coimbatore in accordance with law.

For Petitioner : Mr.K.V.Sundararajan

For Respondents

For R2,3 to 5 : Mr.P.Dinesh Kumar

for Mr.D.Ravichander



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ORDER

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This civil revision petition is filed to set aside the order and decree dated 10.06.2013 made in CMA.No.17 of 2011 on the file of the I Additional Sub Judge, Coimbatore confirming the order passed in IA.No.350 of 2011 in OS.No.281 of 2011 on the file of the Principal District Munsif, Coimbatore, thereby dismissing the petition for interim injunction.

2. Heard, Mr.K.V.Sundararajan, the learned counsel for the petitioner and Mr.P.Dineshkumar, the learned counsel for respondents 2, 3 & 5.

3. The petitioner is the plaintiff. He filed suit for declaration and permanent injunction in respect of the suit property. While pending the suit, the petitioner filed petition for interim injunction. According to the petitioner, the suit property belongs to several persons and executed power of attorney. Further, there is no dispute with the boundaries of the suit property. However there is dispute with regards to title and not in possession. According to the petitioner, he purchased the property in the year 2006 whereas the first respondent purchased the said suit property on 06.06.1988. Therefore the respondent purchased the suit property even prior to the petitioner. Further the



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petitioner is not in possession of the suit property. Therefore the court below rightly dismissed the appeal and it does not require any interference by this Court.

4. Accordingly, this civil revision petition is dismissed. However, the trial court is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. It is made clear that the trial court is directed to dispose of the suit without the influence of the orders passed by this Court as well as the first appellate court. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The I Additional Sub Judge,
Coimbatore
- 2.The Principal District Munsif,
Coimbatore

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05.12.2022