



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two
PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP(MD) No.2086 of 2022

IN

AS(MD) No.301 of 2021

K.SUBRAMANI

... PETITIONER/1st RESPONDENT
Vs

1 RAJESWARI

... RESPONDENT/APPELLANT

2 THE DISTRICT COLLECTOR
KARUR DISTRICT
KARUR

... RESPONDENT/RESPONDENT No.2

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the order of status quo granted on 31.01.2022 in A.S. No. 301 of 2021 against O.S.No. 53 of 2018 dated 02.12.2020 on the file of District Court, Karur.

PRAYER IN AS(MD) No.301 of 2021

Pleased to call for the records of the Judgment and decree dated 02.12.2020 made in O.S. No. 53 of 2018 on the file of the learned District Judge, Karur and set aside the same by allowing this First Appeal before this Honourable Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.P.RAJAN, Advocate for the petitioner and of Mr.V.MEENAKSHI SUNDARAM, Advocate for Mr.P.SAMUEL GUNASINGH, Advocate on behalf of the Appellant, the Court made the following order:-

The petitioner is the first respondent and first defendant in the suit; the first respondent / appellant, who was the plaintiff in the suit has filed the suit for getting the decree for cancelling the sale deed, dated 19.05.2014 and the suit was dismissed. Aggrieved over that, the plaintiff has preferred an appeal. Pending appeal, she has filed two petitions for granting an order of injunction for not disturbing her possession over the suit property and to stay the operation of the decree. It is learnt that on 31.01.2022, an order of status quo has been granted presumably in the petition in C.M.P. (MD) No. 10740 of 2021. The first respondent has filed this petition to vacate the status quo order.



2. It is submitted by the learned counsel for the petitioner / first respondent that the sale deed has been executed in his favour in accordance with the earlier sale agreement entered into between the parties. The first respondent / appellant has dragging to Court by making some false allegations and the trial Court has rightly dismissed the suit; even on the date of executing the sale agreement itself, the tenancy agreement was entered into between the first respondent and the appellant and in view of the said fact, the appellant continued to be in the possession of the suit property.

3. Considering the submission made by the learned counsel for the respondents, this Court has granted an order of status quo; now it is understood that, the petitioner / first respondent / first defendant had filed eviction proceedings before the Rent Control Tribunal in R.C.O.P. No. 3 of 2021 for evicting the first respondent / appellant. Since the petitioner himself resorted to evict the plaintiff only under due process of law, the need for the order of status quo is not necessary.

4. Hence, I feel that the interim order of status quo can be vacated. Even though, the interim order of status quo is vacated, the respondents are at liberty to take up their defence before R.C.O.P. No. 3 of 2021.

5. Thus, the Petition is allowed.

sd/-
30/03/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DISTRICT JUDGE,
KARUR DISTRICT
KARUR

ORDER
IN
CMP(MD) No.2086 of 2022
IN
AS(MD) No.301 of 2021
Date :30/03/2022
(1/2)

SS/VR/SAR:IV/18.04.2022 : 2P/2C