



CRP (MD) No.1411 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

CRP (MD) No.1411 of 2022

and

CMP (MD) No.5860 of 2022

1.Ramasamy

2.Vasantha

: Petitioners

Vs.

1.Nagajothi

2.Jeyamala

3.Nagaraj

4.Baskaran

5.Ravichandran

6.Anandaraj

7.Jeyaraj

8.Sumathi

9.Shankar

10.Dhandapani

11.Alagarsamy

12.Pargunan



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13.Amalababu

14.Subhashri

15.Anguraj

16.The Sub-Registrar,
Kariyapatti Sub-Registrar Office,
Kariyapatti Taluk,
Virudhunagar District.

17.The District Collector,
Virudhunagar,
Government of Tamil Nadu,
Virudhunagar District Collector Office,
Virudhunagar District.

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the fair and decreetal order dated 08.10.2021 made in I.A.No.2 of 2021 in O.S.No.57 of 2021 on the file of the Principal District Munsif Court, Aruppukottai, and set aside the same.

For Petitioners : Mr.P.Athimoolapandian

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.16, R.17

ORDER

As against the fair and decreetal order dated 08.10.2021, passed by the learned Principal District



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Munsif, Aruppukottai, in I.A.No.2 of 2021 in O.S.No.57 of 2021, the petitioners / defendants 9 & 10 filed this revision petition.

2.The respondents 1 to 3, as plaintiffs, have filed the suit in O.S.No.57 of 2021 for partition, permanent injunction and also for a declaration with regard to the sale deeds executed by some of the parties in favour of the defendants 5 to 13. The petitioners, who are arrayed as defendants 9 & 10, are some of the purchasers. The plaintiffs, pending the suit, have taken out an application under Order 39 Rules 1 & 2 CPC for injunction and the trial Court has considered the grounds raised therein and held that they are not entitled for an order of interim injunction, however, has granted an order of *status-quo*. Hence, the present civil revision petition.

3.Learned Counsel for the petitioners submitted that when the trial Court has come to the conclusion that respondents 1 to 3 have not made out any grounds for entertaining the application filed under Order 39 Rules 1 &



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2 CPC, the Court ought to have dismissed the application, instead, granted the relief of *status-quo*. By relying upon the decision of the Hon'ble Supreme Court in **Lingeswaran v. Thirunagalingam, decided on 25.02.2022**, learned Counsel submitted that this is a premium offered to the respondents 1 to 3, when they have not made out a case for an interim relief. Therefore, he prayed for interference.

4.Heard the learned Counsel appearing for the petitioners and perused the available materials.

5.The respondents 1 to 3 have filed the above suit for partition, permanent injunction and also for declaring the documents which were registered in favour of the defendants 5 to 13 as null and void. The defendants 5 to 13 have purchased the properties from some of the co-owners and the respondents 1 to 3 have taken out an application under Order 39 Rules 1 & 2 CPC for an injunction not to disturb their possession with regard to the properties which were purchased by the defendants 5 to 13.



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6.The trial Court, after considering the grounds raised, rejected the application, however, granted an order of *status-quo* in order to avoid any multiplicity of proceedings. It is to be noted that the respondents 1 to 3 have sought for an injunction not to disturb their possession with regard to the properties that were purchased by the defendants 5 to 13. The trial Court, though negatived this prayer, has directed the parties to maintain *status-quo* to avoid any fresh cause of action. This Court does not find any error in the order of the trial Court.

7.However, considering the submission made by the petitioners' Counsel that in view of the interim order their rights are also getting affected, a direction is issued to the learned Principal District Munsif, Aruppukottai, to expedite the proceedings in O.S.No.57 of 2021 and conclude the same, as expeditiously as possible, preferably within a period of seven months from the date of receipt of a copy of this order.



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B. PUGALENDHI, J.

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In fine, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
gk

12.07.2022

To

- 1.The Principal District Munsif,
Aruppukottai.
- 2.The Sub-Registrar,
Kariyapatti Sub-Registrar Office,
Kariyapatti Taluk,
Virudhunagar District.
- 3.The District Collector,
Virudhunagar,
Government of Tamil Nadu,
Virudhunagar District Collector Office,
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