



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD) No.11085 of 2022

in

SA(MD)No.604 OF 2014

VELLAYAMMAL,

... PETITIONER/APELLANT

Vs

THOLANDI,

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant interim injunction restraining the respondent from making any improvements or alterations in the second item of the suit property pending disposal of the above Second Appeal.

PRAYER IN SA(MD)No. 604 of 2014:

To prefer the above Memorandum of Second Appeal against the judgment and decree dated 28.02.2013 made in A.S.No.9 of 2012 by the Principal District Court, Theni, partly reversing the judgment and decree dated 20.07.2011 passed in O.S.No. 299 of 2008 by the Sub court, Theni.

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.D. MALAICHAMY, Advocate for the petitioner and of MR.D.NALLATHAMBI, Senior Advocate on behalf of the Respondent, the court made the following order:-

The present Civil Miscellaneous Petition has been filed seeking an injunction restraining the respondent from making any improvements or alterations in the second item of the suit property.

2. The second appeal is arising out of suit for partition. It is settled law any improvement made by the sharers in the subject matter of the suit is subject to the result of the appeal. Any party who makes improvement in the subject matter of the suit / second appeal is not entitled to claim any equity.



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CMP(MD) A



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3. With these clarifications, this Civil Miscellaneous Petition stands disposed of.

sd/-
15/12/2022

/ TRUE COPY /

/12/2022

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

BTR

TO

- 1 THE PRINCIPAL DISTRICT JUDGE,
THENI.
- 2 THE SUBORDINATE JUDGE,
THENI.

ORDER
IN
CMP (MD) No.11085 of 2022
in
SA (MD) No.604 OF 2014
Date :15/12/2022

PKP/VR/SAR-2/23.12.2022/2P/3C