



C.M.A Nos.1828 and 799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 27.11.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.Nos.1828 and 799 of 2022
and C.M.P.No.13120 of 2022

K.Manoharan ... Appellant in C.M.A.No.1828 of 2022

1.Park Trust,
A public charitable trust,
Rep. by its Managing Trustee,
Dr.P.V.Ravi,
having its registered office at
Old No.21, New No.36,
K.P.N. Colony 1st Street,
Tirupur-641 601

2.P.V.Ravi
3.T.R.Karthik ... Appellants in C.M.A.No.799 of 2022

Vs.

1.Park Trust,
A public charitable trust,
registered under the Indian Trusts Act,
Rep. by its Managing Trustee,
P.V.Ravi

2.P.V.Ravi
3.T.R.Karthik
4.R.Anusha ... Respondents in C.M.A.No.1828 of 2022

1.K.Manoharan
2.R.Anusha ... Respondents in C.M.A.No.799 of 2022



C.M.A Nos.1828 and 799 of 2022

Prayer in C.M.A.No.1828 of 2022: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., seeking to set aside the order dated 27.09.2021 made in I.A.No.35 of 2021 in O.S.No.45 of 2021 on the file of the Principle District Court, Tirupur.

Prayer in C.M.A.No.799 of 2022: Civil Miscellaneous Appeal filed under Order XLIII Rule 1 r/w Section 104 C.P.C., seeking to set aside the fair and decretal order dated 22.10.2021 passed in I.A.No.34 of 2021 in O.S.No.45 of 2021 on the file of the learned Principal District & Sessions Judge, Tirupur.

In C.M.A.No.1828 of 2022

For Appellant : Mr.S.Mukunth
Senior Counsel
for M/s.Sarvabhauman Associates

For Respondents : Mr.S.Anil Sandeep for R1 to R3

In C.M.A.No.799 of 2022

For Appellant : Mr.S.Anil Sandeep

For Respondents : Mr.S.Mukunth
Senior Counsel
for M/s.Sarvabhauman Associates
for R1



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COMMON JUDGMENT

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These two appeals are preferred against two separate orders of injunction by the one who was aggrieved by the same.

2.The suit is laid for a declaration that the sale deed executed by plaintiffs in favour of the defendants is null and void. To briefly state the cause of action of the plaintiffs, it is that the property belongs to the plaintiffs' trust and that after dedicating the property in question in favour of the trust, those who had endowed the property went ahead to execute a sale deed in favour of the defendants and that it is invalid *per se*. Additionally, the plaintiffs plead that the sale deed was executed only to support repayment of a certain loan.

3.Very obviously, the defendants denied these contentions and hold that the sale deed is valid and it is an outright sale in favour of the defendants.

4.During the pendency of the suit, the plaintiff had taken out I.A.No.34 of 2021 and I.A.No.35 of 2021, seeking separate orders of injunction, (a) to restrain the defendants from alienating the suit property; and (b) to



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restrain the defendants from dispossessing the plaintiff from the property.

These applications were contested.

5.After due enquiry, the trial Court dismissed I.A.No.34 of 2021 and allowed I.A.No.35 of 2021. This has now given rise to two separate appeals one by the defendant and the other by the plaintiffs.

6.This Court is informed that the trial of the case has commenced, and the plaintiffs have already examined one of its witnesses, and P.W.2 is in the box, and the matter has been posted for further evidence.

7.Inasmuch as the trial of the case has commenced, it is only appropriate for this Court to direct preservation of the present *status quo*. After all, interim orders are passed to preserve certain *status quo* to facilitate the Court to decide the cause of action with least complications. This Court further directs the trial Court to expedite the process of trial and dispose it as early as possible, without getting influenced by any finding or observation that it might have made in the impugned interim orders, preferably within a period of four (4) months, excluding all intervening holidays, from the date of receipt of a copy of this judgment.



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8.These Civil Miscellaneous Appeals stand disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

27.11.2023

Anu

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Principal District & Sessions Judge, Tirupur.



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N.SESHASAYEE, J.

Anu

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and C.M.P.No.13120 of 2022

27.11.2023