



WEB COPY

C.R.P.No.3334 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3334 of 2022

1. D.Lingamoorthy

2.L.Sujatha

... Petitioners

Vs.

P.Bhuvaneswari

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the XII Assistant City Civil Court, Chennai in I.A.No.2 of 2022 in O.S.No.5086 of 2017 by order dated 06.08.2022.

For Petitioners : Mr.K.Kannan

For Respondent : Mr.C.Veera Raghavan
For Mr.N.Manikandan



WEB COPY

C.R.P.No.3334 of 2



ORDER

The civil revision petition is filed to set aside the order dated 06.08.2022 passed in I.A.No.2 of 2022 in O.S.No.5086 of 2017.

2. The Suit was instituted for declaration and permanent intention. During the pendency of the Suit, the revision petitioners / defendants 6 and 7 filed Interlocutory Application seeking the relief for repossession of the Suit Schedule Property. The Trial Court adjudicated the issues and arrived a conclusion that the revision petitioners / defendants 6 and 7 had not produced any documents to establish that they were in possession of the Suit Schedule Property. Repossession is to be considered by adjudicating the issues *prima facie* the revision petitioners, if not established that they were in possession of the Suit Schedule Property.

3. The learned counsel for the revision petitioners states that they are the absolute owners of the property. While so, it is to be established during the course of trial through documents and evidences. This Court cannot adjudicate those disputed issues raised in the Suit between the parties.



WEB COPY

4. Since the Interlocutory Application was filed for repossession of the property, such a claim of the revision petitioners is to be considered at the time of deciding the Suit and thus, the parties are at liberty to adjudicate the issues on merits and in accordance with law in the original Suit instituted.

5. With these observations, this Civil Revision Petition stands dismissed. No costs.

20.01.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

The Judge,
XII Assistant City Civil Court,
Chennai.



WEB COPY

C.R.P.No.3334 of 2



S.M.SUBRAMANIAM, J.

Jeni

C.R.P.No.3334 of 2022

20.01.2023