



C.M.A.No.341 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

MR.JUSTICE N.SESHASAYEE

C.M.A.No.341 of 2022  
and C.M.P.No.2346 of 2022

R.Ranjithavalli

... Appellant

Vs.

1.S.Muthulakshmi  
2.S.Rajendran

... Respondents

PRAYER: This Appeal is filed against the fair and decreetal order dated 08.10.2021 passed in I.A.No.1 of 2021 in O.S.No.386 of 2021 by the learned II Additional District Judge, Tiruppur.

For appellant : Ms.D.Chitra Maragatham

For respondents : Mr.Balaji Thirumoorthy

**JUDGMENT**

The plaintiff in O.S.No.386 of 2021, on the file of II Additional District Court, Tiruppur is the appellant herein. She preferred this appeal



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challenging an order dismissing her application in I.A.No.1 of 2021, which she has laid for an order of interim injunction, seeking to restrain the defendants from alienating the property and also to reserve the status quo vis-a-vis the physical features of the suit property. This came to be dismissed by the trial Court. The trial Court has held that if the respondents 1 and 2 are putting up any construction in the property, they are doing so at their own risk and dismissed.

2.Heard both sides.

3.What is not in dispute is that the respondents 1 and 2 herein want a piece of property and the plaintiff herein had purchased certain undivided share of the said property from them vide sale deed dated 19.12.2005. It is for partitioning the property that she had purchased, she had laid a present suit.

4.This Court is informed that the trial Court has not appointed any Commissioner to visit the property. If the defendants are putting up construction in a property which they had already sold, then it is likely to



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create unnecessary confusion later. Therefore, without entering into the merit of the case, this Court merely directs the trial Court to appoint a Commissioner who is regular to the Court and also has reasonable exposure to civil litigations as an Advocate Commissioner to measure and identify the property covered in the sale deed of the plaintiff. The respondents / defendants are told that if in the eventuality of the present construction now undertaken in the plot falls within the property of the plaintiff, it shall have to be stopped, and whatever that have been constructed shall necessarily go.

5.This appeal stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Neutral Citation

To.

The II Additional District Court  
Tiruppur.

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N.SESHASAYEE, J.

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