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C.R.P.No.3417 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3417 of 2017
and C.M.P.No.15916 of 2017

Kannappa Chettiyar

.. Petitioner

Vs.

V Venkata Subba Reddiyar (died)

1. V.Boovaraghamurthi
2. V.Balasubramanian
3. V.Raghuraman
4. V.Udhayakumar
5. K.B.J.Jayabarathi
6. B.Bhuvanswari
7. B.Umamaheswari

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair order and final order made in CMA No.2 of 2015, dated 10.07.2017, on the file of the Sub-Court, Gingee, confirming the fair order and final order made in I.A.No.237 of 2012 in O.S.No.33 of 2012 dated 23.12.2014, on the file of the Principal District Munsif Court, Gingee and grant an order of interim injunction.

For Petitioner : Mr.A.E.Ravi Chandran

For R1 : Mr.R.Suresh Kumar
for M/s K.M.Vijayan Associates

For R2 to R7 : Mr.G.Harikrishnan
for Mr.S.M.S.Shirram Narayanan



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ORDER

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This Civil Revision Petition has been filed to set aside the fair order and final order made in CMA No.2 of 2015, dated 10.07.2017, on the file of the Sub-Court, Gingee, confirming the fair order and final order made in I.A.No.237 of 2012 in O.S.No.33 of 2012 dated 23.12.2014, on the file of the Principal District Munsif Court, Gingee, thereby ordered status quo to be maintained by the parties.

2. The learned counsel for the petitioner would submit that the sole petitioner died and seeks time to implead the legal heirs of the deceased petitioner.

3. A perusal of records revealed that the deceased petitioner is the plaintiff. He had filed a suit in O.S.No.33 of 2012 for permanent injunction in respect of the suit property. He had also filed an application in I.A.No.237 of 2012 in O.S.No.33 of 2012 for interim injunction, in which, the Trial Court ordered for status quo. Aggrieved by the same, the petitioner, since deceased filed an appeal in C.M.A.No.02 of 2015 and the same was dismissed, confirming the order passed by the Trial Court. The suit is of the year 2010. The main suit itself is for permanent injunction.



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4. Therefore, the Court below rightly directed the parties to maintain status quo in respect of the suit property. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs. The legal heirs of the deceased sole petitioner are at liberty to implead themselves as party to the suit before the Trial Court. If the legal heirs impleaded themselves as parties to the suit, thereafter the Trial Court is directed to dispose of the suit, within a period of six months from the date of receipt of a copy of this order.

01.02.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn



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G.K.ILANTHIRAIYAN,J.

mn

To

1. The Sub-Court, Gingee.
2. The Principal District Munsif Court, Gingee.

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and C.M.P.No.15916 of 2017

01.02.2023