



C.R.P.No.4587 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

**THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.No.4587 of 2023

and

C.M.P.No.27432 of 2023

1. S.Thangavel

2. N.Gomathi

... Petitioners

-Vs-

1. V.Mariyayee

2. Kuppusamy

3. Kumar

... Respondents

**Prayer** : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.13 of 2022 against I.A.No.2 of 2021 in O.S.No.213 of 2021 dated 01.11.2022 on the file of Principal District Munsif Court at Attur.

For Petitioners

: Mr.Nagendra Prasath

For Respondents

: Mr.P.Navaneethakrishnan



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### **ORDER**

Challenging the impugned order passed in I.A.No.13 of 2022 in I.A.No.2 of 2021 in O.S.No.213 of 2021 passed by the learned Principal District Munsif, Alandur, the Revision Petitioners/plaintiffs preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the respondents/defendants filed an application seeking to give police protection to them to restore the cart track in S.F.No. 45/1B and 52/5C at Thammampatti Village. That application was allowed by the trial judge holding that after granting interim order in favour of plaintiffs, they have obliterated the pathway and only in order to avoid further litigation, the trial judge granted interim order to remove the obstruction and restored the pathway. The Advocate Commissioner warrant was also re-issued to restore the pathway and when the Commissioner's report was filed stating that there is an obstruction in the pathway, the same was restored. Aggrieved over the same, the Revision Petitioners/plaintiffs preferred this Civil Revision Petition.



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4. On perusal of entire facts, as per the findings of trial judge, based on the commissioner's report, the trial judge has ordered to restore the pathway, which needs no interference. On considering the fact that the suit was filed in the year of 2021 for the relief of permanent injunction against the defendants and already in respect of the said cart track, the suit was filed. The defendants have also filed their written statements claiming right over the pathway based upon the sale deed said to be executed by parents of plaintiffs. So, the plaintiffs are entitled to work out their remedy in the main suit. Therefore, I do not find any irregularity in the order passed by the trial judge. Accordingly, this Civil Revision Petition is dismissed as no merit. Both parties are directed to cooperate with the trial proceedings. The trial judge is directed to complete the trial and dispose the case as early as possible. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**18.12.2023**

Index : Yes/No  
Speaking Order : Yes/No  
rpp

To  
The Principal District Munsif, Attur.



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**T.V.THAMILSELVI, J.**

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