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C.M.P.No.29140 of 2023**in****S.A.No.546 of 2023****P.T.ASHA, J.,**

The above Petition is filed to suspend the Judgment and decree dated 13.03.2023 made in AS.No.22 of 2019 on the file of the Sub Court at Mettur reversing the Judgment and decree dated 11.08.2016 made in OS.No.248 of 2009 on the file of the District Munsif Court, Mettur pending disposal of this Second Appeal.

2. The learned counsel for the respondent is present.

3. The suit O.S.No.248 of 2009 was filed by the 1st respondent before the District Munsif Court, Mettur for a declaration, recovery of possession and for a permanent injunction restraining the defendants from interfering with his peacefull possession and enjoyment of the suit schedule property. The suit was dismissed. However, in appeal, the Appellate Court, namely, the Sub Court, Mettur in A.S.No.22 of 2019, had reversed the judgement and decree of the Trial Court and allowed the appeal.



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4. The plaintiff did not have the benefit of an injunction pending the suit and the suit was ultimately dismissed. He has also not obtained an injunction pending the appeal and it is only by the judgement that an injunction has been granted.

5. The appellants/petitioners would submit that they are in possession of the property which is evident from the fact that the plaintiff has sought for recovery of possession. Therefore, the above petition for suspension is allowed as prayed for.

22.12.2023

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