



*C.R.P(MD)No.627 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2023**

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**C.R.P(MD)No.627 of 2023**

**and**

**C.M.P(MD)No.2914 of 2023**

1.Meenakshi

2.Senthilkumar

... Petitioners/Respondents/  
Petitioners/Plaintiffs

Vs.

1.Ramar

2.Prema

3.Saravanakumar

4.Perumal

...Respondents/Appellants/  
Respondents/Defendants

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the judgment and decree made in C.M.A.No.1 of 2022, dated 07.01.20223 passed by the learned Subordinate Judge, Thirumangalam, Madurai District whereby learned Judge set aside the fair and decreetal order in I.A.No.1 of 2020 in O.S.No.197 of 2020, dated 23.04.2022 on the file of the Principal District Munsif, Thirumangalam.



WEB COPY



C.R.P(MD)No.627 of 2023

For Petitioner : Mr.H.Mohammed Imran  
For M/s.Ajmal Associates

For R1 : Mr.J.Barathan

### **ORDER**

The petitioners are the plaintiffs before the District Munsif Court, Thirumangalam in O.S.No.197 of 2022. In the said suit, the petitioner had filed I.A.No.1 of 2020 for an interim injunction to restrain the respondents/defendants from interfering with the peaceful possession of the property.

2. It is the specific case of the petitioner that pending the suit, the respondents have proceeded to put up construction on the strength of a gift deed executed by the respondents 1 and 4 herein in favour of the respondents 2 and 3 herein. It is submitted that the Advocate Commissioner was appointed who gave an interim report on 28.03.2022 and thereafter a final report on 02.04.2022. Thereafter, the trial Court ordered the respondent to maintain status quo as on 23.04.2022. It is submitted that the interim order directing the respondent to maintain *status quo* was however wrongly interfered with by the Sub Court in C.M.A.No.1 of 2022 vide impugned fair and decretal order, dated 07.01.2023.



C.R.P(MD)No.627 of 2023

3. It is submitted that the land in question was purchased by the petitioners on 03.09.2001 from one Alagarsamy Reddiar and Chinna Subba Reddiar, which was registered as Document No.962 of 2001 in Survey No.64/11 measuring an extent of 14 cents. It is submitted that the Sub Court wrongly interfered with the order by stating that the petitioner ought to have amended the plaint in respect of the alleged construction put up by the respondents and can only file I.A. for the relief of permanent injunction against the respondent not to put up further construction in the suit property.

4. I have considered the arguments advanced by the learned counsel for the petitioner.

5. The suit is of the year 2020. Much water flown during the pendency of the proceedings before the Trial Court. It appears that the respondents have put up the construction though *status quo* was ordered, which has been now interfered with by the Sub Court, Thirumangalam vide impugned judgment and decree, dated 07.01.2023 in C.M.A.No.1 of 2022. The facts on record indicate that suit was filed during October 2020. The respondents/defendants have also filed the written statement during the month of November 2022 and the issues have been framed.





*C.R.P(MD)No.627 of 2023*

To

WEB COPY

- 1.The learned Subordinate Judge,  
Thirumangalam, Madurai District.
- 2.The Principal District Munsif Judge,  
Thirumangalam.
- 3.The Section Officer  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*C.R.P(MD)No.627 of 2023*

**C.SARAVANAN,J.**

SN

C.R.P(MD)No.627 of 2023

23.03.2023