



C.R.P.(PD)(MD).No.986 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.986 of 2022

and

C.M.P(MD) No.3917 of 2022

1. Sikkandar
 2. S.Sikkandar
 3. Rabiyaabeevi
 4. Sagarbanu
 5. Soviet Nisha
- (The petitioners 2 to 5 through their
Power agent of the 1st Petitioner)

... Petitioners / Respondents/
Petitioners/ Plaintiffs

-VS-

1. Umarsalima @ Ummujalmabeevi
2. Mohammed Yusuf
3. Alima
4. Rayiman Beevi

.... Respondents/ Appeal Petitioners
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and decretal order, dated 25.01.2022, passed in C.M.A.No.6 of 2020 by the Sub Court, Aruppukottai.



C.R.P.(PD)(MD).No.986 of 2022

WEB COPY

For Petitioners : Mr.A.Srinivasan

ORDER

The present civil revision petition has been filed challenging the order passed in Civil Miscellaneous Appeal No.6 of 2020, reversing the order passed by the Principal District Munsif Court, Aruppukottai in I.A.No.298 of 2017 in O.S.No.31 of 2017.

2. It is seen from the records that the petitioners herein as plaintiffs had filed O.S.No.31 of 2017 on the file of the Principal District Munsif Court, Aruppukottai, for the relief of declaration of title, permanent injunction and other reliefs. Along with the suit, the petitioners had filed I.A.No.298 of 2017 seeking relief of interim injunction pending suit. The said application was allowed by the trial Court, on 12.03.2020. Challenging the same, the respondents herein had filed C.M.A.No.6 of 2020 on the file of the Sub Court, Aruppukottai. The said appeal was allowed on 25.01.2022. Challenging the same, the present Civil Revision Petition has been filed.



C.R.P.(PD)(MD).No.986 of 2022

WEB COPY

3. The trial Court as well as the first appellate Court while granting interim injunction, have arrived at a *prima facie* conclusion with regard to the possession of property. It is a settled position of law that any observation or finding arrived at by the trial Court and the first appellate Court in the Interlocutory Application cannot be taken into consideration at the time of final disposal of the suit. Any observations made by this Court in the present Revision Petition will affect the merits of the suit and will preclude the parties from putting up their respective cases before the trial Court.

4. Considering the fact that the suit is pending from the year 2017, in the interest of justice, this Court directs the Principal District Munsif Court, Aruppukottai, to dispose of the suit in O.S.No.31 of 2017 on merits and in accordance with law without being influenced by any of the observations made in the Interlocutory Application on or before **31.10.2023**.



C.R.P.(PD)(MD).No.986 of 2022

WEB COPY

5. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

09.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Sub Court,
Aruppukottai.
2. The Principal District Munsif Court,
Aruppukottai.



WEB COPY



C.R.P.(PD)(MD).No.986 of 2022

R.VIJAYAKUMAR,J.

ebsi

C.R.P(PD)(MD)No.986 of 2022

09.02.2023