



C.M.A.(MD)No.522 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD)No.522 of 2023

1.D.Vignesh
2.D.Bharani
3.D.Vimala
4.J.Loganayaki

...Appellants/Respondents 1 to 4
/Defendants 1 to 4

Vs.

Tanjore Roller Flour Mill,
Represented by its Partners,

1.K.Sengotuvelan
2.K.Venkatesh
3.Kalyani

...Respondents 1 to 3/Petitioners/Plaintiffs

4.G.Swaminathan
5.Asai Thambi
6.V.Suresh

...Respondents 4 to 6/Respondents 5 to 7/
Defendants 5 to 7

PRAYER: This Civil Miscellaneous Appeal is filed under Order 41 Rule 1 of Civil Procedure Cod, to set aside the fair and decretal order dated 24.01.2023 passed in I.A.No.264 of 2021 in O.S.No.215 of 2021 on the file of the Principal District Court, Thanjavur.



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For Appellants : Mr.P.Rajaram

For R1 to R3 : Mr.P.Vadivel

JUDGMENT

The present Civil Miscellaneous Appeal has been filed challenging the interim injunction granted by the trial Court as against the respondents not to alienate the suit property till the disposal of the suit.

2.The suit has been filed for declaration and permanent injunction by the respondents 1 to 3. Pending suit, an application has been filed seeking interim injunction. On considering the evidence and materials on record, the trial Court granted an interim injunction till the disposal of the suit. Challenging the same, the present appeal is filed by the appellants / defendants 1 to 4.

3.The learned counsel for the appellants submitted that originally the suit property belongs to a partnership firm. Some of the partners retired on 27.06.2022. One of the retired partners had sold certain properties belonging to the partnership firm in favour of his son Devarajan. The said Devarajan, subsequently, sold the property obtained from his father to the fifth respondent



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herein. After the demise of Devarajan, his legal heirs sold the remaining properties to the fourth respondent. Thereafter, the fourth and fifth respondents have sold the same to the sixth respondent. Now, the patta is in the name of the sixth respondent, who is a *bona fide* purchaser. The trial Court without considering all these aspects had simply granted an order of interim injunction and therefore, the same has to be interfered with by this Court.

4.The learned counsel for the respondents 1 to 3 / plaintiffs would submit that the sixth respondent had executed a power of attorney deed in respect of the property in question and tried to sell the same hiding the pendency of the suit. The trial Court, by considering the documents and evidence adduced by both sides found that during the pendency of the suit, there cannot be any sale and hence, granted an order of interim injunction in favour of the plaintiffs / respondents 1 to 3 till the disposal of the suit. Therefore, the same does not require any interference.

5.On perusal of the order of the trial Court, this Court is satisfied that the trial Court on appreciation of the documents had granted an order of interim injunction. At this stage, this Court cannot interfere with the same. At the most,



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the trial Court can be directed to expedite the trial and dispose of the suit within a period of four months from the date of receipt of a copy of this judgment.

6. With the above observation, this Civil Miscellaneous Appeal is dismissed. No costs.

13.06.2023

NCC : Yes/No

Index : Yes/No

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To

1. The Principal District Court, Thanjavur.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR, J.

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