



C.R.P.No.2141 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2141 of 2021

and

C.M.P.No.16234 of 2021

S.Karnan

... Petitioner

Vs.

1.Chellammal(died)

2.Chokkammal

3.Bharathi

4.E.Boopathi

5.E.Ravi

R-1 died, R3 to R5 are brought on record
as LR's of the deceased R1 Viz., Chellammal
vide Court order dated 13.02.2024 made in
CMP.No.2069 of 2022 in CRP.No.2141 of 2021

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the decree and judgment dated 06.01.2021 rendered in C.M.A.No.2 of 2019 on the file of the Sub-Ordinate Judge, Tiruvallur, confirming the fair and decreetal order dated 15.04.2019 passed in



C.R.P.No.2141 of 2019

I.A.No.2490 of 2015 in O.S.No.274 of 2015 on the file of the District
Munsif, Tiruvallur.

For Petitioner : M/s.R.Supriya
for Mr.P.Raja
For respondents : No appearance

ORDER

The Civil Revision Petition is filed challenging the order of dismissal of the appeal filed by the petitioner passed by lower appellate Court confirming the dismissal of the petition seeking temporary injunction.

2.The petitioner herein filed a suit seeking permanent injunction against the respondents. Pending suit, he sought for temporary injunction in I.A.No.2490 of 2015. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has preferred an appeal in C.M.A.No.2 of 2019 on the file of Sub-Court, Tiruvallur. The First Appellate Court concurred with the findings of the Trial Court and dismissed the same. Aggrieved by the same, the petitioner is before this Court



3. It is seen from the pleadings and impugned order that petitioner herein is claiming title under one Ramachandran. There was earlier round of litigation between said Ramachandran and mother of respondents Kannammal and in earlier suit, the title of Kannammal was declared and injunction was granted against Ramachandran and the same was confirmed by the High Court as well as the Hon'ble Apex Court. The petitioner appeared to have purchased the suit property from one Dhanapathy who in turn purchased the property from Ramachandran through his power agent Ramu. The said sale transaction had also taken place pending earlier litigation. In such circumstances, the Trial Court rightly came to the conclusion that petitioner failed to establish his *prima facie* case for grant of temporary injunction and dismissed the application. The First Appellate Court concurred with the findings of the Trial Court. The concurrent findings of the Courts below that petitioner, who is claiming right under one Ramachandran, who suffered a decree for declaration and injunction failed to prove *prima facie* case, is based on the records and the same is not vitiated by any perversity. In these circumstances, I do not want to interfere with the concurrent findings rendered by the Courts below with



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regard to the failure of the petitioner to establish *prima facie* case. Accordingly, the Civil Revision Petition stands dismissed. However, taking into consideration the main suit is of the year 2015, the Trial Court is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2024

Index : Yes / No
Internet : Yes / No
nr

To
The learned Sub-Ordinate Judge, Tiruvallur,



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S.SOUNTHAR, J.

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20.02.2024