



C.M.P.Nos.1105 & 1109 of 2024

in

A.S.No. 41 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

The prayer in these petitions run as follows:-

C.M.P.No.1105 of 2024

"to grant an order of interim injunction restraining the respondents / respondents, their men, agents, servants or any other person or persons claiming through them or authorized by them from for an interim injunction restraining the respondents, their men, agents, servants or any other person or persons claiming through them or authorised by them from interfering with the peaceful conduct of business carried on by the 1st petitioner under the name and style of New Sri Ponni Madha Milk Depot at No.49, Irullappan Street, Sowcarpet, Chennai - 600 079 except in accordance with law."

C.M.P.No.1109 of 2024

"to grant an order of interim injunction restraining the respondents, their men, agents, servants or any other person or persons claiming through them or authorized by them from interfering with the peaceful possession and enjoyment of the suit property situated at No.49, Irullappan Street, Sowcarpet, Chennai - 600 079 by the petitioners / appellants."



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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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2.Admittedly, the suit filed by the appellants seeking partition and separate possession of their share in the suit properties have been dismissed leading to this appeal. Pending appeal, the appellants seek an injunction restraining the respondents from interfering with their alleged possession.

3.The learned counsel for the respondents have filed a counter wherein, there is a specific statement to the effect that a suit in O.S.No.2133 of 2009 was filed by the respondents against the 1st appellant herein seeking permanent injunction restraining him from interfering with their peaceful possession and the very same property, for which, the injunction is now sought for in this petition and the said suit has been decreed on 20.12.2023. A copy of the judgment and decree has also been placed before us.

4.In view of the fact that there is a contested decree granting injunction restraining the petitioners herein from interfering with the respondents' peaceful possession of the property, we do not think, we could grant any interlocutory order at this stage. Hence, this petition is dismissed.

(R.S.M., J.) (R.S.V., J.)
01.07.2024

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