



WEB COPY



A.No.5690 of 2023 in
C.S.No.270 of 2022

A.No.5690 of 2023 in
C.S.No.270 of 2022 and
O.A.No.806 of 2022

N.SATHISH KUMAR, J.

This petition has been filed by the petitioners/defendants to vacate the interim injunction granted by this court on 22.12.2022 in O.A.No.806/2022 in C.S.No.270/2022.

2. According to the petitioners/defendants, they are the owners of the suit property by virtue of registered sale deeds since 1959, but, suppressing the material facts, the respondent/plaintiff has created the sale deed in its favour. It is the further contention of the petitioners that the respondent/plaintiff has taken the possession of the property forcibly in the year 2012 and hence, it is illegal possession. Therefore, prima facie case and the balance of convenience is only in favour of the defendants and hence the interim injunction granted is liable to be vacated.

3. It is to be noted that, the petitioners/defendants themselves admitted that plaintiff is in possession of the suit property and they are not is



A.No.5690 of 2023 in
C.S.No.270 of 2022

in possession of the property from the year 2012. According to the petitioners, the possession of the property by plaintiff is illegal one. Even if it is construed that the respondent/plaintiff is in illegal possession of the property; and the petitioners/ defendants are the true owners of the property, when the plaintiff is in possession of the property since 2012, it is for the petitioners/ defendants to take legal recourse to recover the possession of the property from the plaintiff and they cannot take a law on their own hand in an unlawful manner. Therefore, this court is of the view that the petition is liable to be dismissed as it has no merits.

4. Accordingly, this petition is dismissed. Consequently, the interim injunction granted by this Court in O.A.No.806/2022, dated 22.12.2022 is made absolute.

26.03.2024

(2/3)

mst



WEB COPY



A.No.5690 of 2023 in
C.S.No.270 of 2022

N.SATHISH KUMAR, J.

mst

A.No.5690 of 2023 in
C.S.No.270 of 2022 and
O.A.No.806 of 2022

26.03.2024
(2/3)