



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)Nos.814 and 815 of 2021
and
C.M.P.(MD)Nos.4394 and 4395 of 2021

Seethalakshmi

... Petitioner in both cases

-VS.-

V.Seenivasan

...Respondent in both cases

PRAYER in C.R.P.(MD)No.814 of 2021: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order passed in C.M.A.No.5 of 2018, dated 11.02.2021 by the Additional District Judge, Virudhunagar by confirming the fair and ex.order passed in I.A.No.345 of 2013 in O.S.No.112 of 2013 by the learned Subordinate Judge, Aruppukottai, dated 06.11.2013.

PRAYER in C.R.P.(MD)No.815 of 2021: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order passed in C.M.A.No.7 of 2018, dated 11.02.2021 by the Additional District Judge, Virudhunagar by confirming the fair and ex.order passed in I.A.No.240



of 2013 in O.S.No.77 of 2013 by the learned Subordinate Judge, Aruppukottai, dated 06.11.2013.

For Petitioner :Mr.Babu Rajendran
For Respondent :Mr.P.Athimoola Pandian
(in both cases)

COMMON ORDER

C.R.P.(MD)No.814 of 2021 has been filed by the plaintiff in O.S.No.112 of 2013 challenging the order passed by the learned Additional District Judge, Virudhunagar, in C.M.A.No.5 of 2018, dated 06.11.2013.

2.C.R.P.(MD)No.815 of 2021 has been filed by the defendant in O.S.No. 77 of 2013 challenging the order passed by the learned Additional District Judge, Virudhunagar, in C.M.A.No.7 of 2018, dated 06.11.2013.

3.The brief facts in these petition are that it not in dispute that Seethalakshmi, the plaintiff in O.S.No.112 of 2013 had purchased an extent of 36 cents in total area of 1 acre 36 cents and patta was transferred in her name in S.No.583/7B. The Revision Petitioner had constructed a godown in the



aforesaid land in S.No.583/7B and marked Ex-P1 to Ex-P19 to establish that the revision petitioner/plaintiff had constructed godown in the above survey number. The Revision Petitioner has filed a suit in O.S.No.112 of 2013 for permanent injunction. In the said suit, the plaintiff, Seethalakshmi, filed an injunction application in I.A.No.345 of 2013 against the defendant, Seenivasan. However, the said application was came to be dismissed and against which, the plaintiff, Seethalakshmi, filed an appeal in C.M.A.No.5 of 2015, which was also came to be dismissed. Challenging the same, the plaintiff in O.S.No.112 of 2013 has preferred the present Revision Petition.

4. Similarly, the defendant, Seenivasan in O.S.No.112 of 2013 had filed the suit in O.S.No.77 of 2013, as plaintiff, as against Seethalakshmi, who was arrayed as defendant in the suit. In the said suit, Seenivasan, the plaintiff, had filed an injunction application in I.A.No.240 of 2013 as against Seethalakshmi and an interim order was granted on 06.11.2013 by the Subordinate Court, Aruppukottai. Challenging the said order, the defendant, Seethalakshmi filed an appeal in C.M.A.No.7 of 2018 before the District Court at Virudhunagar. C.M.A.No. 7 of 2018 also came to be dismissed by confirming the order



passed in I.A.No.240 of 2013, where, an injunction was granted in favour of Seenivasan, who was the plaintiff in O.S.No.77 of 2013. Challenging the same, C.R.P.(MD)No.815 of 2021 has been filed by the defendant in the suit in O.S.No.77 of 2013.

5.The learned Counsel appearing for the respondent, Seenivasan, who was the defendant and the plaintiff in the respective suits, contended that the the Revision Petitioner had put up the construction in the survey number of the respondent herein in S.No.583/7A to the extent of 1 acre.

6.The issue is one and the same and the parties are one and the same and admittedly there is an injunction order in favour of the respondent and in the suit instituted by the revision petitioner, no injunction was granted by the trial Court, which were subsequently affirmed by the appellate Court. This Court finds no reason to interfere with the order passed by the Court below in both the interlocutory applications challenged before this Court, ie., I.A.No.345 of 2013 in O.S.No.112 of 2013 and I.A.No.240 of 2013 in O.S.No.77 of 2013.



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7.As the suits are of the year 2013, the trial Court is directed to conclude the entire trial proceedings within a period of one year from the date of receipt of a copy of this order. This Court has not expressed any view with regard to the merits of the case with regard to S.Nos.583/7A and 583/7B and it is for the trial Court to decide based on the documents produced in support of either of the parties and adducing sufficient witnesses and the contested arguments are left open for the both the Counsels for the Revision Petitioner and the respondent to agitate same before the trial Court.

8.With the above directions, the Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.12.2024

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

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To

- 1.The Additional District Judge, Virudhunagar.
- 2.The learned Subordinate Judge, Aruppukottai.



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N.SENTHILKUMAR, J.

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