



CMP(MD)No.7078 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD)No.7078 of 2024

in

C.M.P(MD)No.1269 of 2024

in

S.A(MD)No.57 of 2024

CMP(MD).7078/2024:

1 K.THANGAVEL

2 C.T.SURYAPRAKASH

3 C.T.KARTHICKPRAKASH

... PETITIONERS/RESPONDENTS 1-3

Vs

1 M.RENGASAMY

2 M.PALANIAPPAN

3 M.KALIMUTHU

4 MASANAM

5 KANNAMMAL

6 KALIATHAL

... RESPONDENTS 1-6/PETITIONERS 1-6

<https://www.mhc.tn.gov.in/judis>



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7 VASANTHAMANI

8 SUSEELA

9 UDHAYARANI

10 KALAVATHI

11 S.RAJENDRAN

12 S.BALAGURUSAMY

13 NEELAVANI

... RESPONDENTS/RESPONDENTS 4-10

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the order of interim injunction dated 06-02-2024 in C.M.P.No.1269 of 2024 in S.A.No.57 of 2024 into an order of status Quo pending disposal of the above second appeal and thus render justice.

SA(MD) No.57 of 2024 and
CMP(MD) No.1269 of 2024 :

1 M.RENGASAMY

2 M.PALANIAPPAN

3 M.KALIMUTHU

4 MASANAM

5 KANNAMMAL

6 KALIATHAL

... APPELLANTS/APPELLANTS/PLAINTIFFS

Vs

1 K.THANGAVEL

2 C.T.SURYAPRAKASH

3 C.T.KARTHICKPRAKASH

4 VASANTHAMANI

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5 SUSEELA
6 UDHAYARANI
7 KALAVATHI
8 S.RAJENDRAN
9 S.BALAGURUSAMY
10 NEELAVANI

... RESPONDENTS/RESPONDENTS/DEFENDANTS

Second Appeal filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the Judgment and decree dated 31.01.2023 passed in A.S.No.22 of 2020 on the file of the Learned Additional Sub Court, Palani Confirming the Judgment and decree dated 27.01.2020 passed in O.S.No. 33 of 2009 on the file of the Learned District Munsif Court, Palani.

Prayer in CMP(MD). 1269/ 2024 :

To pass an order of interim injunction restraining the respondents or their men, servants, agent or anyone on their behalf in any manner interfering with the petitioners peaceful Possession and enjoyment of the 2nd item of the suit schedule property, which is the subject matter of the suit in O.S.No. 33 of 2009 on the file of the Learned District Munsif Court, Palani pending disposal of the above SA.

ORDER : These Civil Miscellaneous Petitions & Second Appeal coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.MOHAN, Advocate for the Petitioners in CMP(MD).7078/2024 & for the Respondents 1-3 in SA(MD).57/2024 and of Mr.M.P.SENTHIL, Advocate on behalf of the Respondents No.1 to 6 in CMP(MD). 7078/2024 & for the Appellants 1-6 in SA(MD).57/2024 the court made the following order:-

This petition is filed by the respondent Nos.1 to 3 to modify the order of interim injunction, dated 06.02.2024 in C.M.P(MD)No.1269 of 2024 in S.A(MD)No.57 of 2024 into an order of Status Quo pending disposal of the appeal.

2. By Order, dated 06.02.2024 this Court has already granted interim injunction restraining the respondents from interfering in the appellants property.



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However, now the respondents have filed the instant petition modifying the interim order alleging that taking advantage of the interim order the appellants have entered into the subject property and tried to cut trees. This Court has already granted interim injunction restraining the respondents in the Second appeals. Now, the Appellants are also restrained.

3. Therefore, this Civil Miscellaneous Petition is allowed. Both the parties are restraining from cutting the trees or removing the sand or modifying any construction in the suit property. If the appellants are doing any mischief, serious action will be taken against them.

sd/-
04/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA
TO
1 THE ADDITIONAL SUBORDINATE JUDGE,
PALANI.

2 THE DISTRICT MUNSIF,
PALANI.

+1 CC to M/s.N.MOHAN, Advocate (SR-6106[I] dated 05/06/2024)



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CMP(MD)No.7078 of 2024

ORDER
IN
CMP(MD)No.7078 of 2024
in
C.M.P(MD)No.1269 of 2024
in
S.A(MD)No.57 of 2024
Date :04/06/2024

SA/VR/SAR. /13.06.2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.