



C.R.P(MD)No.1735 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.1735 of 2023

Esakkimuthu ...Petitioner/Respondent/5th
Defendant Vs.

Veerasamy ... Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.2 of 2023 dated 28.04.2023 in O.S.No.58 of 2023 on the file of the Principal District Munsif, Nanguneri, Tirunelveli District.

For Petitioner : Mr.M.Ananthkumar

For Respondent : Mr.N.Vignesh

ORDER

This Civil Revision Petition is filed against the order passed in I.A.No.2 of 2023 dated 28.04.2023 in O.S.No.58 of 2023 on the file of the Principal District Munsif, Nanguneri, Tirunelveli District.



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2. The learned counsel for the petitioner would submit that the suit was filed for partition by the respondent/plaintiff and in the meantime, the petitioner herein/5th defendant has started making constructions and the respondent requested him to construct leaving his 1/4 share in the property. Since the said request is declined by the respondent, the petitioner/5th defendant has filed I.A.No.2 of 2023 seeking ad-interim injunction restraining the respondent from altering the schedule property and not to encumber the property. The trial court has partly allowed the said Interlocutory Application and ordered status quo stating that the suit has been filed for partition claiming 1/4th share as co-owner to the property. As against the said order, the petitioner is before this Court.

3. Heard both sides.

4. The order now challenged in this revision has been passed under Order 39 Rule 1, 2 C.P.C and therefore, the petitioner has to file only an appeal and the Civil Revision Petition is not



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maintainable. In view of the same, this Civil Revision Petition is dismissed. No costs.

08.02.2024

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

To

1.The Principal District Munsif,
Nanguneri, Tirunelveli District.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

CM

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