



C.R.P(MD)No.2240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2240 of 2024
and
C.M.P(MD)No.12671 of 2024

Krishnan

... Petitioner / Respondent /
Petitioner / Plaintiff

Vs.

1.Rukmani

2.Dhinakaran

... Respondents / Appellants /
Respondents / Defendants 1 & 2

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 20.06.2024 made in C.M.A.No.1 of 2023 on the file of the Additional District Court, (FTC), Kumbakonam reversing the order and decree dated 04.07.2022 made in I.A.No.164 of 2022 in O.S.No.159 of 2022 on the file of the Principal Sub Court, Kumbakonam and allow this civil revision petition.



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For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.B.Jameelarasu

ORDER

Heard both sides.

2.The plaintiff in O.S.No.159 of 2022 on the file of Principal Sub Court, Kumbakonam is the revision petitioner herein. The suit is for declaration and injunction. He filed I.A.No.164 of 2022 for restraining the defendants from alienating or altering the suit property. The IA was allowed. Questioning the same, C.M.A.No.1 of 2023 was filed. The first appellate Court vide order dated 20.06.2024 set aside the decision of the trial Court and allowed the CMA. Challenging the same, this Civil Revision Petition came to be filed.

3.I am more than satisfied that the suit property originally belonged to Govindasamy. It is stated that Govindasamy executed a Will dated 02.10.1996.

4.The learned counsel for the respondents contends that the suit property was bequeathed in favour of the defendants and since the suit



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properties are natham properties, recognising settled possession, natham patta was issued in her favour.

5.The learned counsel for the revision petitioner contends that the Will is not genuine and that in any event it is yet to be proved and established.

6.Since the property belonged to Govindasamy who is none other than the father of the revision petitioner and father-in-law of the first defendant, I am of the view that the trial Court rightly granted an injunction. The injunction is only to restrain the defendants from alienating the suit property. No exception can be taken to such a relief. The trial Court had also restrained the defendant from altering the suit property.

7.The learned counsel for the respondents states that the building is in dilapidated condition and that therefore some patch work and maintenance work is to be conducted.



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8.I permit the respondents to carry out the patch work and repair works to maintain the suit property. With the aforesaid modification, the impugned order is set aside and the order of the trial Court is restored.

9.This Civil Revision Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

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

To

1.The Additional District Court, (FTC),
Kumbakonam.

2.The Principal Sub Court,
Kumbakonam.



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G.R.SWAMINATHAN, J.

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