



CMP(MD) No.16950 of 2023

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD) No.16950 of 2023

in

AS(MD)No. 314 of 2023

1 G.SEETHARAMAN

2 S.PAULRAJ,

... PETITIONERS/ APPELLANTS

Vs

1 P.MUTHUSAMY

2 M.PERIYASAMY,

3 P.MANIYAMMAL

4 P.SELVARAJ,

5 P.RAJA.

6 V.REVATHI,

7 P.SIVAPRAKASAM,

8 C.ANBU,

... RESPONDENTS/RESPONDENTS



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Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Ad Interim Injunction restraining the respondents or their agents from in any manner interfering with my peaceful possession and enjoyment of the 2nd item of 8th schedule of suit properties which is subject matter in OS No.242 of 2019 on the file of 1st Additional District Court (PCR), Tiruchirappalli, either by disturbing or alienating the same, pending disposal of the above First Appeal.

PRAYER IN AS(MD)No. 314 of 2023:

Appeal Suit filed under section 96 of Civil Procedure Code to allow the First Appeal and set aside the judgment and decree dated 01.09.2023 made in OS No.242 of 2019 on the file of 1st Additinal District Court (PCR) Tiruchirappalli, in so far against the present Appellants are concerned, with cost and thus render justice.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.AJMALKHAN, Senior Counsel for M/S.AJMAL ASSOOCIATES, Advocate for the petitioner and of MR.V.MEENAKSHI SUNDARAM, Advocate for MR.K.MUTHUMALAI, Advocate on behalf of the Respondent, the court made the following order:-

When the matter is taken up for hearing today, the learned Counsel appearing for the first respondent / plaintiff filed undertaking affidavit. Paragraph No.3 of the undertaking affidavit filed by the first respondent / plaintiff is extracted as follows:

"3. I humbly submit that in the interest of justice, I the plaintiff in the Original Suit proceedings hereby undertakes that I will not interfere with the new constructions made in S.No.248/2 and the other vacant



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portion lying beyond the Petrol Bunk compound wall. This undertaking is given before this Court till the disposal of the main Appeal Suit and it is always subject to our right of equity which has to be worked out in the final decree stage. Hence, this Court may be pleased to record this undertaking and also direct the eight defendant / second appellant herein not to disturb my right to conduct Petrol Bunk business within a specific compound wall. It is also humbly submitted that the main Appeal Suit may be taken up for early disposal in view of the facts and circumstances of the case."

2. In view of the above said undertaking affidavit filed by the first respondent / plaintiff, this Civil Miscellaneous Petition stands closed.

sd/-
13/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BTR
TO

THE I ADDITIONAL DISTRICT JUDGE (PCR) THIRUCHIRAPPALLI.



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+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-1851[I] dated 14/02/2024)

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ORDER
IN
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in
AS(MD)No. 314 of 2023
Date :13/02/2024

PKP/VR/SAR /16.02.2024/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
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