



C.R.P.No.2581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2581 of 2024

and

C.M.P.No.13528 of 2024

M.E.Mariyappan

... Petitioner

Vs.

M.S.Dhanasingh (deceased)

1.D.Sathya Vijaya Kumari

2.Dhanasingh Philomina Farjana

3.D.Rajesh Kumar

4.D.Jaswanth Raj

5.K.Stella Padmini

6.Sharmila Antony Raj

7.D.Naveen Prem Kumar

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree passed in C.M.A.No.84 of 2014 by the X Additional Special Judge for Prevention of Corruption Cases at Chennai on 11.12.2023 and reversing the order passed in I.A.No.7003 of 2014 in O.S.No.2488 of 2013 passed by the V Assistant City Civil Court, Chennai, dated 30.04.2014.



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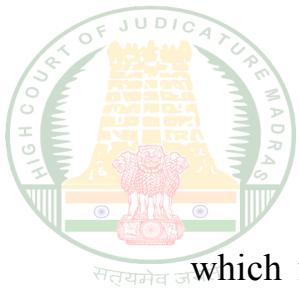
For Petitioner : Mr.V.Raghavachari
Senior Counsel
for Mr.N.Elayaraja

For R1 to R7 : Mr.S.Baskaran

ORDER

Challenging the order of the X Additional Special Court for Vigilance and Anti-Corruption, dated 11.12.2023, made in C.M.A.No.84 of 2014, vacating the order of injunction in respect of the suit property, granted by the V Assistant Judge, City Civil Court, by order dated 30.04.2014 in I.A.No.7003 of 2014 in O.S.No.2488 of 2013, the present revision has been filed.

2.The suit in O.S.2488 of 2013 has been filed by the petitioner for permanent injunction contending that the suit property consisting of first, second and third floors is the absolute property allotted to him along with common areas, however, the defendant is claiming exclusive right over the common area. The plaintiff took out an application in I.A.No.7003 of 2014 for injunction restraining the defendant from using 342 sq.ft. of the first floor. Whereas, the defendant took a stand that it is a mezzanine floor

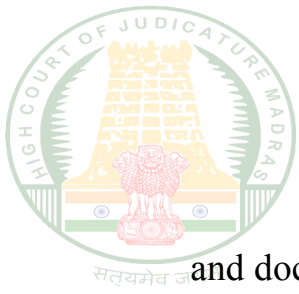


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which forms part of the ground floor and does not form part of the first floor as contended by the plaintiff. However, the trial Court has granted an order of injunction. The Appellate Court has vacated the injunction. Challenging the same, the present revision is filed by the plaintiff.

3.Heard the learned counsel on either side and perused the materials available on record.

4.The very issue involved in the main suit itself is as to whether the area in dispute is a part of first floor which is absolutely allotted to the plaintiff or whether it is a mezzanine floor. That issue has to be decided only based on evidence. Merely based on averments and allegations made in the Intelocutory Application, without proof of certain facts, the issue cannot be addressed. When this Court posed a question as to what is the present status of the area in respect of which injunction is granted and vacated, learned counsel for both sides submitted that, now, the area is not being used by anybody. As the disputed area has not been used by both sides, as stated before this Court, let status *quo* be maintained. Let the parties agitate their respective case before the trial Court by letting in oral



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and documentary evidence.

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5.It is also stated that a connected suit in O.S.No.1818 of 2013 filed by the defendant in the present suit is also pending before the trial Court and it is also for the same relief of injunction. Therefore, there shall be a direction to the trial Court to conduct a joint trial of O.S.No.2488 of 2013 and O.S.No.1818 of 2013 and dispose of both the suits, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of the order. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

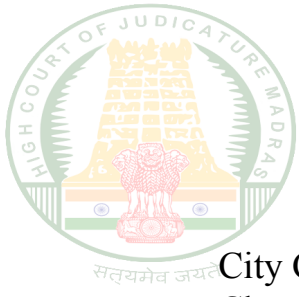
Neutral Citation : Yes / No

To

1.The X Additional Special Judge,
X Additional Special Court
for Vigilance & Anti-Corruption Cases,
Chennai.

2.The V Assistant Judge,

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City Civil Court,
Chennai.

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3.The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.



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