



WEB COPY

CRP. No.1941 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.06.2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. PD. No.1941 of 2025

and CMP. No.11091 of 2025

1. Mr.R.Lingaraj

2. Mr.R.Ravishankar

Petitioners

Vs

Smt.Malliga

Respondent

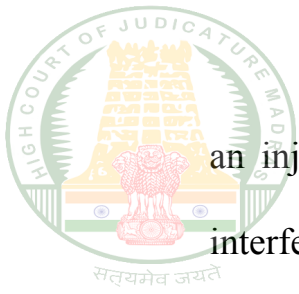
PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree of the learned Sub Judge at Coonoor in CMA. No.2 of 2023 dated 06.12.2023 confirming the fair and decree of the District Munsif at Coonoor in I.A. No.2 of 2022 in O.S. No.50 of 2022 dated 29.03.2023.

For Petitioners : Mr. J.Franklin

For Respondent : Mr.S.Rajmakesh

ORDER

The petitioners are the plaintiffs in O.S. No.50 of 2022 before the learned District Munsif, Coonoor. The said suit has been filed by them seeking relief of declaration, recovery of possession and injunction. Pending the said suit, the petitioners moved an I.A. No.2 of 2022 seeking



an injunction to restrain the respondent/defendant from in any manner interfering with the nature of the suit properties and also to not cause any further damages to the suit property pending disposal of the main suit.

The said Application was resisted by the respondent/defendant setting up independent title in respect of title of the first floor portion, specifically contending that the said property is having a different door number and revision petitioner has no right to the said property.

2. The Trial Court dismissed the said injunction Application on the ground that the petitioner has not made out a prima facie case for grant of interim injunction as prayed for. The said order was challenged by the petitioners in CMA No.2 of 2023 before the Sub Judge at Coonoor and the same was dismissed on 06.12.2023, as against which, the present revision is filed before this Court.

3. Heard learned counsel for the petitioners and the learned counsel for the respondent and I have also perused the records which have filed by way of typed set of papers before me.

4. It is seen from the case set up by the respondent/defendant that he does not admit the plaint averments of the respondent being a



permissive occupant and the petitioners claim independent and separate title to the portion of the property under his occupation. The respondent

also claims that the respondent commenced demolition and reconstruction/renovation activity to the suit property under his possession. It is the further case of the respondent that the property under the respondent's occupation is Door. No. 5/84 and the same has nothing to do with the property in Door No.5/88. However it cannot be clearly gathered from the pleadings as well as in the written statement as to whether both the plaintiffs and defendant are in occupation of one single building or different units altogether, which would be a matter for evidence, especially considering the nature of pleadings by both the parties. The learned counsel for the respondent would submit that the suit is ripe for trial.

5. Considering the above, there being no illegality or perversity in the concurrent findings rendered by the Trial Court as well the First Appellate Court, this Civil Revision Petition is dismissed, making it clear that any finding or observation in the orders under challenge shall not come in the way of the parties adducing oral and documentary evidence to substantiate their respective contentions and pleadings during trial of the suit. The District Munsif Court, Coonoor shall expedite the Trial and dispose of the O.S. No.50 of 2022 pending on its file on or before



31.07.2025. The respondent/defendant would submit that the respondent has already carried out extensive, renovation and repair work, only to protect the suit property during the rainy seasons. The learned counsel for the respondent/defendant, on instructions from the respondent/defendant, undertakes that the respondent/defendant shall not claim any equity for the said renovations/repairs that have been made at his/her costs, in the event of respondent suffering a decree for recovery of possession. Consequently, connected Miscellaneous Petition is also dismissed. The Trial Court shall decide the suit in accordance with law, uninfluenced by any observations or findings in the I.A. No.2 of 2022 or CMA. No.2 of 2023. No costs.

09.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The Sub Judge,
Coonoor, The Nilgiris.
2. The District Munsif,
Coonoor, The Nilgiris.

P.B.BALAJI.J.

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