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CRP No. 3347 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-07-2025**

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**CRP No. 3347 of 2023**

P.Thangavel  
S/o Ponnusamy,  
Door No 275, Merku Kattukottai,  
Kandasamy Pudur Village,  
Arasanatham Post, Attur Taluk, Salem  
District 636 107.

Petitioner(s)

Vs

1. R.Sivakumar  
S/o Late Rajadurai,  
Gandhipadayachi Thottam,  
Kandasamy Pudur Village,  
Arasanatham Post, Attur Taluk, Salem  
District 636 107.

2.Thilaga  
W/o Late R.Sakthivel,  
Res at Thandanoorar Thottam,  
Kandasamy Pudur West, Arasanatham  
Post, Attur Taluk, Salem District 636  
107.

Respondent(s)



**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated 12.04.2022 made in IA No.2 of 2020 in OS No.124 of 2020 on the file of Subordinate Judge, Attur, by allowing this Civil Revision Petition.

For Petitioner(s): Mr.K.Sathish Kumar

For Respondent(s): Mr.A.Rajakumar

For R1

R-2- No appearance

### **ORDER**

The plaintiff was unsuccessful in obtaining an interim order in I.A.No.2 of 2020 is the revision petitioner. Though the interim injunction was sought for to restrain the defendants from interfering with the peaceful possession and enjoyment of the property, the trial Court without passing any order, directed the parties to lead evidence holding that the issue of possession would be decided after trial, at the time of delivering the judgment. As against the same, the plaintiff has come up by way of this revision petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

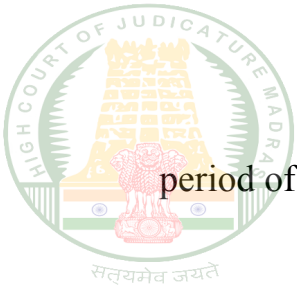


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3. The petitioner claims under the registered will dated 13.05.1994, whereas the defendants are claiming an unregistered will dated 25.12.1992. As the issue regarding the truth and genuineness of the said wills can be decided only upon parties leading the oral and documentary evidence, in support of their respective contentions, insofar as the interim application, pending suit, the petitioner wanted to protect his possession.

4. As rightly contented by the learned counsel for the respondents/defendants, the trial has already commenced in the suit and further the Interlocutory Application has been disposed of in the year 2022 and till date there is no disturbance and the suit may be expeditiously disposed of. Admittedly the petitioner's possession has not been disturbed and the trial has already commenced in the suit.

5. In view of the above, the issue of possession shall be decided by the trial Court, after the parties lead oral and documentary evidence and also advance arguments. The trial Court is directed to dispose of the suit, within a



period of three (3) months from the date of receipt of a copy of this order.

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6. With the above direction, this revision petition is disposed of. No costs.

**10-07-2025**

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Subordinate Judge, Attur.



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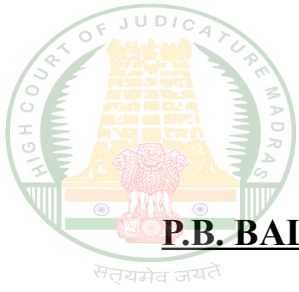
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Today, this matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the respondents/defendants.

2. The learned counsel for the respondents/defendants submitted that the defendants are not admitted the factum of plaintiff's possession. He contends that, his arguments was, even according to the revision petitioner, his possession has not been disturbed. Since the trial has been commenced, a suitable direction may be issued to the trial Court.

3. Therefore, it is made clear that the factum of possession has not been considered by this Court. The trial Court shall decide the matter on merits and in accordance with law. Except the same, all other aspects shall remain intact.

**31-07-2025**

Jd



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