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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.2068 of 2025
and CMP(MD) No.12009 of 2025

Robert Kennedy ... Petitioner

Vs

Dheenul Parith ... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in C.M.A.7 of 2022 on the file of the Principal Sub Court, Kumbakonam dated 12.06.2025 reversing the fair and decreetal order passed in I.A.No. 113 of 2020 in O.S.No.100 of 2020 on the file of the Additional District Munsif, Kumbakonam dated 28.11.2022.

For Petitioner : Mr.M.Rajarajan

ORDER

The Civil Revision Petition is filed against the fair and decreetal order passed in C.M.A.7 of 2022 on the file of the Principal Sub Court, Kumbakonam dated 12.06.2025 reversing the fair and decreetal order

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passed in I.A.No.113 of 2020 in O.S.No.100 of 2020 on the file of the Additional District Munsif, Kumbakonam dated 28.11.2022.

2. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

3. The petitioner is claiming to be the cultivating tenant under one Krishnasamy for vast extent of the land and subsequently there was a partition in the family members of Krishnasamy and Balammal was allotted with 44 cents, who is none other than daughter of Krishnasamy and Balammal in turn executed a sale deed in favour of Gokaley and Gokaley in turn sold 22 cents to one Kasinathan. Thereafter one Sakkubai has purchased the land from whom the defendant has purchased the said portion of the land. The defendant thus interfering with the possession of the property and therefore, the petitioner herein has filed a suit for interim injunction and the trial Court has also granted interim injunction in IA No.113/2020, against which, the respondent preferred an appeal before the lower appellate Court in CMA No.7/2022 on the file of the Principal Sub Court and the CMA was allowed.

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Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that admittedly the petitioner is the tenant of vast extent of land and he is a cultivating tenant under one Krishnasamy and Krishnasamy allotted 44 cents in favour of Balammal and Balammal alienated the property in favour of the defendant and the respondent/defendant hurriedly started construction in the said building, which was objected to by way of interim injunction. However, the same was set aside by the trial Court in CMA No.7/2022, which is not sustainable.

5. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

6. The fact that the petitioner is the cultivating tenant and the respondent is the purchaser of the property from the legal heir of the original landlord is not disputed. The petitioner is said to be the tenant under Krishnasamy. A perusal of the entire record reveals that the petitioner's grandfather is the tenant and as per the version of the

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petitioner, tenancy right was granted by Krishnasamy in favour of one Vedhanayagam, namely, grandfather of the petitioner. However, the petitioner has not established the fact that he is the grandson of Vedhanayagam and no proof whatsoever was filed to substantiate the same. Further no proof was filed before this Court with regard to the transfer of tenancy in favour of the petitioner. However, without the said document, the trial Court granted interim injunction and the same was rightly set aside by the trial Court.

7.Accordingly, the Civil Revision Petition is dismissed. However, without being uninfluenced by the observations made hereinabove, the trial Court is directed to dispose of the suit as expeditiously as possible. No costs. Consequently connected Miscellaneous Petition is closed.

29.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Principal Sub Court, Kumbakonam

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2. The Additional District Munsif, Kumbakonam

3.VR Section
Madurai Bench of Madras High Court, Madurai.

M.DHANDAPANI,J

RR

ORDER
IN
CRP(MD) No.2068 of 2025

Date : 29/07/2025

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