

Sankar and Another Vs. Saravanan

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Court : Chennai

Decided On : Dec-08-2016

Judge : S.M. Subramaniam

Appeal No. : C.R.P.(P.D.) No. 299 of 2014 & M.P.No. 1 of 2014

Appellant : Sankar and Another

Respondent : Saravanan

Judgement :

(Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 18.09.2013 made in C.M.A.No.24 of 2011 on the file of the Subordinate Judge, Mannargudi confirming the fair and decreetal order dated 21.09.2011 made in I.A.No.296 of 2011 in O.S.No.92 of 2011 on the file of the learned District Munsif, Mannargudi.)

1. The present Revision is filed against the order dated 18.09.2013 passed in CMA.No.24/2011 by the learned Subordinate Judge, Mannargudi, confirming the interim injunction granted in I.A.No.296/2011 in O.S.No.92/2011 dated 21.09.2011 by the learned District Munsif, Mannargudi.
2. The learned Counsel appearing for the petitioners submit that the respondent filed a suit for permanent injunction before the District Munsif Court, Mannargudi, in O.S.No.92/2011 and along with the suit I.A.No.296/2011 was also filed seeking interim injunction.

3. The learned District Munsif granted interim injunction on 21.09.2011. Challenging the interim injunction granted by the District Munsif, Mannargudi, the petitioners filed an appeal in C.M.A.No.24/2011 before the Subordinate Court, Mannargudi. The Civil Miscellaneous Appeal was dismissed on 18.09.2013. Challenging the same, the present revision petition is filed on the ground that the petitioners/defendants are in continuous possession from the year 1981 to till date and even after filing of the suit and despite the fact that the learned District Munsif, Mannargudi granted interim injunction, they continue to be in possession of the suit property.

4. Such being the factual position and the suit is of the year 2011, this Court is not inclined to modify the order passed in CMA.No.24/2011. Further, it is the suit for permanent injunction and the interim injunction is in force for the past more than five years and the respective parties are maintaining status-quo during the pendency of the suit all along for the past five years. Therefore, this Court is not inclined to consider the present revision petition and this apart, there is an admission by the respondent/plaintiff that the petitioners/defendants are in possession of the suit property and further it is stated in the plaint itself that without due process of law, they cannot evict the petitioners/defendants from the suit property. Hence, this Court is not inclined to consider the present revision petition and accordingly, the same is dismissed. In view of the fact that the suit is pending for about 5 years, a direction is issued to the learned District Munsif, Mannargudi, to take up the suit for trial as early as possible and dispose of the same in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

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