

SECTION XII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
INTERCOURTORY APPLICATION NOS. 7-8
(Applications for Restoration)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos.
12215-12216 OF 2014

Subramania Thevar & Ors.

..Petitioners

-Versus-

Karuppiah Thevar

..Respondent

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 30th June, 2014, when the Court was pleased to pass the following Order :-

"None for the petitioners, even on the second call.

We have perused the impugned order. The High Court, inter alia, recorded the following findings:

"In the light of the decision referred to supra, the Court can very well come to a conclusion that if a co-owner is in possession and enjoyment of exclusive property, he is entitled to maintain a suit for permanent injunction. In the instant case, as narrated earlier, by virtue of the exhibits filed on the side of the plaintiffs, the Court very well come to a conclusion that the plaintiffs are in exclusive possession and enjoyment of the suit properties, even though the plaintiffs are having fractional interest over the suit properties."

In view of the above, we find no good ground to interfere with the impugned order in exercise of our jurisdiction under Article 136 of the Constitution of India.

The special leave petitions are dismissed in default for want of appearance as also on merits."

It is submitted that Mr. B. Subrahmanya Prasad, Counsel for Petitioner has on 22nd July, 2014 filed an application for restoration of Special Leave Petition with affidavit and Annexure P-1. Copy of the same is placed in the Special Leave Petition Paper Books.

The applications in the matters above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 8th day of September, 2014.

ASSISTANT REGISTRAR

Copy to : Mr. B. Subrahmanya Prasad, Advocate

ASSISTANT REGISTRAR

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