

ITEM NO.34

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12215-12216/2014

(Arising out of impugned final judgment and order dated 11/12/2012
in SA 1449/1998,11/12/2012 in SA 1450/1998 passed by the High Court
Of Madras)

SUBRAMANIA THEVAR & ANR.

Petitioner(s)

VERSUS

KARUPPIAH THEVAR

Respondents(s)

(with appln. (s) for bringing Lrs. on record and exemption from
filing OT)

Date : 30/06/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE R. K. AGRAWAL

For Petitioner(s)

Mr. S. Gowthaman ,Adv.(Not present)

For Respondent(s)

The Court made the following
O R D E R

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

Signature Not Verified

Court very well come to a conclusion that the
plaintiffs are in exclusive possession and

Digitally signed by
Parveen Kumar Chawla

Date: 2014.07.01

15:01:45 IST

Reason:

enjoyment of the suit properties, even though the
plaintiffs are having fractional interest over the
suit properties."

2

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.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Assistant Registrar