

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2995 of 2015 &
M.P.No.1 of 2015

1.Gowri @ Gowri Manickavasagam
2.Angayarkanni
3.Dhanumathya
4.Sambavi

... Petitioners

v.

1.Karnan
2.Velmurugan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 24.06.2015 passed in I.A.No.690 of 2015 in O.S.No.155 of 2015 on the file of District Munsif, Tindivanam.

For Petitioner : Mr.T.Mohan
for Mr.S.Ashok Kumar

ORDER

Challenging the grant of interim injunction in I.A.No.690 of 2015 in O.S.No.155 of 2015, on the file of District Munsif Court, Tindivanam, the defendants 1 to 4 have filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.155 of 2015 for declaration and permanent injunction. Along with the suit, the plaintiffs also filed an application in I.A.No.690 of 2015 under Order 39, Rule 1 and 2 of CPC praying for interim injunction.

3. The Trial Court, granted an ex-parte order of injunction and ordered notice to the defendants returnable by 10.07.2015.

3. Mr.T.Mohan, learned counsel appearing for the petitioners submitted that the plaintiffs and the defendants are co-owners of the suit properties and therefore, the Trial Court had committed an error in granting an interim injunction as against the co-owners.

4. It is brought to the notice of this court that the defendants have not filed their counter on 10.07.2015.

5. Since the application is pending before the Trial Court, I am not going into the merits of the application in detail for the reason that it would affect the progress of the matter before the Trial Court.

6. In these circumstances, the learned counsel appearing for the petitioners submitted that the defendants would be filing their counter in I.A.No.690 of 2015 on 27.07.2015.

7. On filing of the counter, the District Munsif Court, Tindivanam, is directed to dispose of the application in I.A.No.690 of 2015 on merits and in accordance with law, on or before 05.08.2015, taking into consideration the counter filed by the defendants.

With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

24.07.2015

Note : Issue copy of the order by 27.07.2015.

Rj

To

The District Munsif Court,
Tindivanam.

M. DURAISWAMY,J.,

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