IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2015

C O R A M

THE HONOURABLE **Mr.JUSTICE K.KALYANASUNDARAM**

**CRP.PD.No.621 of 2015**

M.E.Mariyappan ... Petitioner

Vs.

M.S.Dhanasingh (Deceased)
1.Sathya Vijaya Kumar
2.Dhanasingh Philomina Farjana
3.D.Rajesh Kumar
4.D.Jaswanth Raj
5.K.Stella Padmini
6.Sharmila Antony Raj
7.D.Naveen Prem Kumar ... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, against the order and decreetal order in CMP.No.1197 of 2014 in C.M.A.No.84 of 2014 by the V Additional City Civil Court, Chennai, on 09.10.2014.

For Petitioner : Mr.V.Lakshmi Narayanan
for Mr.N.Elayaraja

For Respondents : Mr.P.Valliappan

**O R D E R**

This civil revision petition is directed against the order dated 09.10.2014 passed by the V Additional City Civil Court, Chennai, in C.M.P.No.1197 of 2014 in C.M.A.No.84 of 2014.

2. The petitioner had instituted a suit in O.S.No.2488 of 2013 against the respondent for permanent injunction. In the suit, the petitioner filed I.A.No.7003 of 2014 under Order 39 Rule 1 r/w Section 151 C.P.C praying for interim injunction restraining the respondent, his men and agents from using the first floor measuring about 342 sq.ft as mentioned in the commissioner's sketch.

3. After contest, the learned V Assistant Judge, City Civil Court, Chennai, allowed the application on 30.04.2014. Aggrieved by the order, the respondent has preferred an appeal in C.M.A.No.84 of 2014 before the V Assistant City Civil Court, Chennai.

4. In the appeal, the petitioner filed C.M.P.No.1197 of 2014 under Order 41 Rule 27 C.P.C to receive the additional documents. That application was resisted by the respondent. The learned Appellate Judge, dismissed the application. Challenging the order, the present civil revision petition is filed.

5. Mr.V.Lakshmi Narayanan, learned counsel for the petitioner submitted that the Appellate Judge ought to have considered the application along with the appeal and the additional documents will relevant to decide the matter in issue.

6.Mr.P.Valliappan, learned counsel for the respondents has no objection for marking the documents by the petitioner before the Appellate Authority.

7. Considering the submission made by the learned counsel for the petitioner, the order passed in C.M.P.No.1197 of 2014, dated 09.10.2014 is set aside. The V Assistant City Civil Court, Chennai, shall dispose of the appeal in C.M.A.No.84 of 2014, on merits and in accordance with law, within a period of one month from the date of receipt of copy of this order.

In the result, the civil revision petition is disposed of. No costs.

**17.03.2015**

Index : Yes/No
Internet : Yes/No
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Note: Issue order copy next week.

To
The V Additional City Civil Court, Chennai.

**K.KALYANASUNDARAM,J.**

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