



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2015

C O R A M

THE HONOURABLE MR. JUSTICE T. MATHIVANAN

CRP(MD).NO.2060 of 2015 and
M.P(MD).No.1 of 2015

1. Thangaraj
2. Muthusamy

...Petitioners/Petitioners/Plaintiffs

Vs.

1. Sri Muthusamy
2. Natarajan
3. Venkadaraman

...Respondents/Respondents/Defendants.

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the docket order passed by the learned Principal District Munsif, Dindugal in I.A.No.734 of 2015 in O.S.No.653 of 2015 dated 16.09.2015.

For Petitioner : Mr. A. Balakrishnan
For Respondents : Mr. S. Ananda Chandrasekar for
M/S.Sarvabhauman Associates

O R D E R

This memorandum of civil revision has been directed against the order dated 16.09.2010 and made in I.A.No.734 of 2015 in O.S.No.653 of 2015 on the file of learned Principal District Munsif, Dindigul.

2. The revision petitioners herein are plaintiffs in the suit in O.S.No.653 of 2015, whereas the respondents herein are defendants.

3. It appears that the revision petitioners have filed the above said suit as against the respondents seeking the relief of permanent injunction and for costs. Along with the said suit, they have also filed an application in I.A.No.734 of 2015, under Order 39 Rules 1 and 2 of the Code of Civil Procedure, for granting the relief of interim injunction. Originally, the trial Court has granted an ad interim injunction on 03.09.2015 till 16.09.2015. On 16.09.2015 one Mr. S.M. Loganathan, learned counsel had filed vakalat for the first respondent and Mr. Velmurugan, learned counsel filed vakalat for the respondents 2 and 3. The first respondent had filed counter on that day and the same had been adopted by the respondents 2 and 3. On that day, Ex.R1 to Ex.R11 were marked on behalf of the respondents. However, without giving an opportunity of being heard to the other side, especially to the petitioners, the learned trial judge, without extending the interim order, dated 03.09.2015 which was granted upto 16.09.2015, has simply adjourned the petition to 28.09.2015. He has also come to the conclusion that prima facie case has been made out by the revision petitioners/plaintiffs. Aggrieved by the impugned order, dated 16.09.2015, the



revision petitioners has approached this Court with this revision.

4. Mr.A. Balakrishnan, learned counsel appearing for the revision petitioners has submitted that the impugned order passed by the learned Trial Judge seems to be perverse in nature and against the principles of natural justice as well. He has also submitted that the impugned order was deserved to be set aside.

5. On the other hand, MR.S. Ananda Chandrasekar, learned counsel has fairly conceded that the learned Principal District Munsif had committed serious error and, therefore, he has submitted that the impugned order might be set aside and the application in I.A.No.734 of 2015 might be directed to be disposed of, after hearing both parties.

6. In view of the submission made by the learned counsel for the revision petitioners and on a perusal of the impugned order, this Court finds that the interim order is liable to be set aside as suggested by Mr.S. Anandachandrasekar, learned counsel appearing for the respondents.

7. In the result, the Civil Revision Petition is allowed and the impugned order is set aside and the petition in I.A.No.734 of 2015 is remitted back to the trial Court with a direction to dispose of the same on merits and in accordance with law after giving adequate opportunity to both parties to advance their submissions. Further, the Interlocutory application itself shall have to be disposed of, within a period of two weeks from the date of receipt of a copy of this order. Till then, there shall be an order of interim injunction. No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

The learned Principal District Munsif, Dindugal

+1CC to Mr.K.P.Narayanakumar, Advocate, SR.No. 66981

+1CC to M/S.Sarvabhauman Associates, SR.No. 66943

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AM/17.12.2015/SK.SKN/2P/4C