



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 05.11.2015**

**CORAM:
THE HONOURABLE MR.JUSTICE T.MATHIVANAN**

**C.R.P(MD)No.2417 of 2015
and M.P(MD)No.1 of 2015**

V.N.Sivakumar

.. Petitioner/1st Respondent/
1st Respondent/Petitioner/Plaintiff

Vs.

1.M.Rathinasamy

2.N.S.M.R.Mutharasu

3.M.K.Pandian

4.V.Nagarajan

5.T.Ganesan

6.P.Periyasamy

7.P.C.Jambulingam .. Respondents 1 to 7/Petitioners 1 to 7/
Appellants 1 to 7/Respondents 2 to 8/
Defendants 2 to 8

8.P.Singaravel

9.K.Anburajan

10.P.Pandiyarajan

11.P.Jeyaprakasa Narayanan

12.J.Selvaganesh

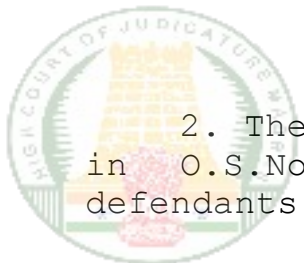
13.P.Sivasamy (died) .. Respondents 8 to 13/
Respondents 2 to 7/Respondents 2 to 7/
Respondents 1, 9 to 13/Defendants 1, 9 to 13

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records from the learned VI-Additional District Judge, Madurai in I.A.No.400 of 2015 in C.M.A.No.7 of 2015 dated 15.10.2015 against the order in I.A.No.1200 of 2014 in O.S.No.1140 of 2014 dated 16.03.2015 on the file of the learned Principal Subordinate Judge, Madurai and set aside the same.

For Petitioner	: Mr.G.R.Swaminathan for Mr.N.Sathish Babu
For RR 1 to 7	: Mr.S.Subbiah for Mr.G.Radhakrishnan

ORDER

The fair and decreetal order of the lower Appellate Court (learned VI-Additional District Judge, Madurai) dated 15.10.2015 and made in I.A.No.400 of 2015 are under challenge in this memorandum of Civil Revision Petition.



2. The revision petitioner herein is the plaintiff in the suit in O.S.No.1140 of 2014, whereas the respondents are the defendants.

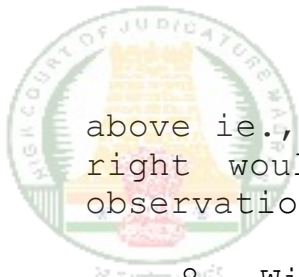
3. It appears from the records that the revision petitioner/plaintiff has filed the above said suit seeking the relief of bare injunction as against the respondents. Along with the said suit, the revision petitioner has also filed an application in I.A.No.1200 of 2014 seeking the relief of ad-interim injunction. Initially an order of ad-interim injunction was granted and subsequently, the order was made absolute on 16.03.2015. Challenging that order, the respondents 1 to 7 herein have preferred an appeal in C.M.A.No.7 of 2015 before the lower Appellate Court. Now that appeal is still pending. While so, the respondents 1 to 7 herein have filed an application in I.A.No.400 of 2015 seeking suspension of the interim order passed by the trial Court. That application was allowed granting stay in respect of the said order. That particular order made in I.A.No.400 of 2015 dated 15.10.2015 has been challenged in this revision by the revision petitioner.

4. Heard Mr.G.R.Swaminathan, learned counsel appearing for the revision petitioner and Mr.S.Subbiah, learned counsel appearing for the respondents 1 to 7.

5. It is obvious to note here that the suit has been contested by the respondents by filing their written statement, but the trial in the said suit not yet commenced. The appeal in C.M.A.No.7 of 2015 is also still pending. However, it is to be pointed out that in an earlier occasion, this Court on 15.06.2015 in C.R.P(MD) No.1015 of 2015 had directed the lower Appellate Court to dispose of the application in I.A.No.400 of 2015 as expeditiously as possible preferably within a period of eight weeks. While granting such direction this Court has also made an observation that "it is needless to point out that the order dated 30.04.2015 was passed only as an interim measure and no right would accrue to any of the parties on account of the said order".

6. This Court would like to reiterate the above said observation in this order also because it is suggested by both the learned counsels that the main Civil Miscellaneous Appeal might be directed to be disposed of within a period of one week from the date of receipt of a copy of this order.

7. Accordingly, the impugned order remains as it is without any disturbance. However, there shall be a direction to the learned VI Additional District Judge, Madurai to dispose of the main Civil Miscellaneous Appeal in C.M.A.No.7 of 2015 within a period of one week from the date of receipt of a copy of this order. While issuing the above direction, this Court makes it clear that "It is needless to point out that the observation made



above ie., in paragraph No.7, it is only an interim measure and no right would accrue to any of the parties on account of this observation."

8. With this observation, the Civil Revision Petition is disposed of. However, the lower Appellate Court is also strictly directed to abide by the order of this Court without any deviation. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

ps

To

1.The VI-Additional District Judge,Madurai.

2.The Principal Subordinate Judge, Madurai.

+1cc to Mr.N.Sathish Babu, Advocate SR No.65138

+1cc to Mr.S.Subbiah,Advocate SR No.65195

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