

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.12.2016**

CORAM:

THE HONOURABLE MRS.**JUSTICE PUSHPA SATHYANARAYANA**

C.R.P.(P.D.) No.82 of 2015 and
M.P.No.1 of 2015

G.Balasubramanian

...Petitioner

versus

R.Rajagopal

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree made in C.M.A.No.4 of 2012 on the file of the Sub-Court, Mannargudi, dated 22.09.2014 modifying the order of status-quo into an order and decree for injunction in I.A.No.313 of 2012 in O.S.No.72 of 2012 on the file of the District Munsif, Mannargudi, dated 19.06.2012.

For Petitioner : Mr.S.Thiruvengadaswamy

For Respondent : Mr.S.T.P.Kuilmozhi

ORDER

The suit is filed by the plaintiff for bare injunction. Pending suit, in I.A.No.313/2012, interim injunction was sought for, in which, an order of status-quo was granted till the disposal of the suit. Aggrieved by the same, the defendant had filed CMA.No.4 of 2012 on the file of the learned Subordinate Judge, Mannargudi. The learned Subordinate Judge, had modified the order passed in the I.A.No.313/2012, granted injunction in favour of the plaintiff. The defendant, who is aggrieved by the said order, has preferred the revision.

2. The order of status-quo granted by the trial court was challenged only by the defendant and not by the plaintiff. Therefore, in an appeal preferred by the defendant, the said court has modified the order and granted injunction which is unwarranted. However, pending the Civil Revision Petition, the said order of injunction was suspended and the status-quo order was passed which is in force till today.

3. Without getting into the merits of the case, considering the fact that the suit is of the year 2012, which is filed only for permanent injunction, the learned District Munsif, Mannargudi, is directed to dispose of the suit at the earliest, however, not later than 30th April

2017.

4. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.12.2016

Index:Yes/No
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To

1. The District Munsif, Mannargudi.
2. The Subordinate Judge, Mannargudi.

PUSHPA SATHYANARAYANA, J

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