

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1139 of 2016

D.Chandramohan : Petitioner
versus

1.P.Rajeswari
2.P.Venkatesan : Respondents

PRAYER: Revision filed against the order dated 11.9.2015, in CMA No.10 of 2014 on the file of Subordinate Judge, Mannagudi, reversing the order and decree dated 20.6.2014 in I.A.No.180 of 2014 in O.S.No.66 of 2014 on the file of District Munsif, Mannargudi.

For petitioner :: Mr.R.Agilesh

For respondents :: Mr.S.Baskaran

ORDER

This civil revision petition is directed against the judgment dated 11 September 2015 in CMA No.10 of 204, dismissing the appeal filed against the interlocutory order in I.A.No.180 of 2010 in O.S.No.66 of 2014 on the file of the learned District Munsif, Mannarkudi.

2. The petitioner filed a suit in O.S.No.66 of 2014 for injunction. Before the Trial Court, the petitioner filed an application for interlocutory injunction in I.A.No.180 of 2014. The learned Trial Judge dismissed the

application on the ground that there was no prima facie case made out by the petitioner and that he failed to prove balance of convenience and irreparable injury that would be caused in case injunction was not granted. The order was unsuccessfully challenged before the First Appellate Court. Thereafter, the petitioner has come up with this civil revision petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The petitioner placed reliance on certain documents in support of his contention that he is in possession of the property. Both the Trial Court as well as the First Appellate Court found that those documents were obtained just prior to the suit. In fact, the learned Appellate Judge arrived at a finding that the documents were recently generated for the purpose of filing the suit with a view to grab the property from the respondents. The learned Appellate Judge considered each of the documents relied on by the petitioner for his claim and observed that no reliance could be placed on those documents. There is no question of re-appreciating the materials considered by the trial Court as well as the First Appellate Court for the purpose of taking a different view in the matter. I am therefore of the view that no interference is called for in the judgment under challenge in this civil revision petition.

5. The learned District Munsif, Mannargudi, is directed to dispose of the suit in O.S.No.66 of 2014 without in any way being influenced by the observation made in the order dated 20 June 2014 in I.A.No.180 of 2014 and the judgment dated 11 September 2015 in C.M.A.No.10 of 2014.

6. The civil revision petition is dismissed with the above observation. No costs. Consequently, C.M.P.Nos.6273 and 16848 of 2016 are dismissed.

16.11.2016

Index:Yes/no
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To

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

K.K.SASIDHARAN, J.

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