

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CIVIL REVISION PETITION (PD) NO.2570 OF 2016

1. Ramakrishnan
2. R.Shanmugam
3. R.Sivaraj
4. R.Balasubramaniam

... Petitioners

Vs.

1. M. Manoharan
2. M.Krishnakumar
3. M.Silambarasan
4. Angathal
5. Rajkumar
6. Amudeshwari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the docket order dated 4.8.2016 passed in I.A.No.522 of 2016 in O.S.No.1066 of 2016 on the file of III Additional District Munsif Court, Coimbatore.

For Petitioner : Mr. C.Jagadish
For Respondent : Mr. C.Prabakaran

ORDER

The respondents filed a suit for injunction. The respondents along with a said suit, filed an application in I.A.No.522 of 2016 praying for an order of interim injunction. The learned trial Judge granted interim injunction without

notice to the petitioners. Feeling aggrieved, the petitioners have come up with this Civil Revision Petition.

2. This Court, taking into account, the case pleaded by the petitioners granted an interim order of suspension of interim injunction, by order dated 17.7.2016. The order has been extended periodically. The respondents have already entered appearance.

3. The application in I.A.No.522 of 2016 is pending before the trial court. The petitioner ought to have approached the trial court with an application to vacate the interim order. Since this Court has already entertained the Civil Revision Petition and granted an interim order of suspension of injunction, the proper course is to relegate the parties to the trial court.

4. The petitioners are given time till 1st of November 2016 to file counter in I.A.No.522 of 2016. The learned trial Judge is directed dispose of the application in I.A.No.522 of 2016 on or before 11th of November 2016. In case the petitioners failed to file counter and cooperate for an early disposal,

it is open to the trial judge to decide the matter on the basis of available materials before the date prescribed above. Since this Court has already suspended the order of interim injunction, the Status quo as on 17.8.2016 shall be in operation till the disposal of the application in I.A.No.522 of 2016. The Civil Revision Petition is disposed of with the above direction.

17.10.2016

msr

Index:Yes/No

Internet:Yes/No

Note:Issue order copy by 24.10.2016

To

The III Additional District Munsif Court,

Coimbatore.

K.K.SASIDHARAN.,J.

msr

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