

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.3130 of 2016
and CMP No.15888 of 2016

The Madras Race Club
represented by its Secretary,
Race Course Road,
Guindy,
Chennai – 600 032

Petitioner

...

vs

M.A.M.R. Muthiah

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the interim order dated 23.09.2016 passed by the XVI Assistant Judge, City Civil Court, Chennai in I.A.No.12743 of 2016 in O.S.No.4921 of 2016.

For Petitioner : Mr.R. Murari & Mr.Vijay Narayan
Senior Counsels for
M/s Preeti Mohan

For respondent : Mr.M.S. Krishnan
Senior Counsel for
Mr.M. Suresh Kumar

ORDER

Challenging the order of Interim Injunction, granted on 23.09.2016, by the XVI Assistant Judge, City Civil Court, Chennai in I.A.No.12743 of 2016 in O.S.No.4921 of 2016, the defendant has filed the above Civil Revision Petition under Article 227 of the Constitution of India.

2. The respondent/plaintiff filed a suit in O.S.No.4921 of 2016 for declaration and permanent injunction. In the said suit, the respondent/plaintiff took out an application in I.A.No.12743 of 2016 to grant an order of temporary injunction, restraining the defendant from in any manner dealing with Item No.13 having an agenda " To consider action to be taken against the Club Member Mr.M.A.M.R. Muthiah for circulating a list of Club Members with Club's insignia. The list is erroneous and inaccurate with names of deceased members" in the notice of the Meeting of the committee of Management of the defendant Club, scheduled on 26.09.2016 at the Race Club, Guindy, Chennai-32 at 4.30 p.m issued by the Defendant Club.

3. When the matter is taken up for hearing, Mr.Vijay Narayan and Mr.R. Murari, learned Senior Counsels, appearing for the petitioner, submitted that the petitioner Club shall not conduct any Meeting of the committee of the Club in respect of Item No-13 of the Agenda till the application in I.A.No.12743 of 2016 is disposed of finally by the trial Court and in such circumstances, the order of injunction, granted by the trial Court, may be suspended.

4. Mr.M.S. Krishnan, learned Senior Counsel, appearing for the respondent/plaintiff, on instructions, submitted that the respondent is agreeable for the proposal, made by the learned Senior Counsels, appearing for the petitioner.

5. The undertaking given by the learned Senior Counsels appearing for the petitioner is recorded.

6. In view of the submissions, made by the learned Senior Counsels on either side, taking into consideration the undertaking given by the learned Senior Counsels, appearing for the petitioner that the petitioner/Club shall not conduct any Meeting of the

Committee of the Club with respect of Item -13 of the Agenda, which is the subject of the suit in O.S.No.4921 of 2016 as well as in the Interlocutory Application in I.A.No.12743 of 2016 till the disposal of the injunction application by the trial Court, the Interim Injunction, granted on 23.09.2016 by the trial Court in the Application in I.A.No.12743 of 2016 is suspended till the disposal of the said application.

7. The XVI Assistant Judge, City Civil Court, Chennai is directed to dispose of the application in I.A.No.12743 of 2016 within a period of three weeks from the date of filing of the counter, by the petitioner/defendant.

8. This Order is being passed without going to the merits of the application in I.A.No.12743 of 2016 and also with regard to the correctness of the order, passed by the trial Court.

9. It is also made clear that the suspension of the Interim Injunction, granted by the trial Court, is only based on the undertaking given by the learned Senior Counsels appearing for the

petitioners. The suspension of the Interim Injunction shall not prejudice the mind of the trial Court in deciding the application in I.A No.12743 of 2016 on merits. The trial Court is directed to decide the application in I.A.No.12743 of 2016 in the suit in O.S.No.4921 of 2016, on merits and in accordance with law, within a period of three weeks from the date of filing of the counter by the petitioner/defendant, With these observations, the Civil Revision Petition is disposed of. No costs

06-10-2016

sr
Index:no
website:yes

Note: Issue Order Copy Today itself

To

The XVI Assistant City Civil Court, Chennai

M. DURAISWAMY,J.,

sr

CRP(NPD)No.3130/2016

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