

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.11.2016**

CORAM:

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

C.R.P.(P.D.) Nos.3195 and 3196 of 2016 and
CMP.Nos.16224 and 16225 of 2016

1. R.Ravi
2. Shobana Ravi
3. R.R.Infopark Pvt., Ltd.
Rep. By its Director Mr.R.Ravi,
RR Towers III, TVK Industrial Estate,
Guindy, Chennai
4. Hanudev Investments Pvt., Ltd.,
rep. By its Managing Director Mr.R.Ravi
RR Towers III, TVK Industrial Estate,
Guindy, Chennai – 600 032
5. RR Tanneries Limited
rep. By its Director and Authorised
Signatory Mr.R.Ravi, RR Towers III,
TVK Industrial Estate, Guindy,
Chennai – 600 032 ...Petitioners in both the petitions

versus

Rudradev Infopark Pvt., Ltd.,
represented by its Director,
Mr.Kothandaraman Ganesh,
RR Towers III, TVK Industrial Estate,
Guindy, Chennai – 600 032. ...Respondent in both the petitions.

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the docket order dated 14.09.2016 in I.A.Nos.569 and 570 of 2016 respectively in O.S.No.82 of 2016 passed by the Principal District Judge at Chengalpet.

For Petitioners : Mr.Vineet Subramani

For Respondent : Mr.K.P.Sanjeev Kumar for
M/s Ojas Law Firm

COMMON ORDER

The respondent filed a suit before the learned Principal District Judge, Chengalpet in O.S.No.82 of 2016 against the petitioners for specific performance.

2. In the said suit, the respondent filed two applications in I.A.Nos.569 of 2016 and 570 of 2016. The learned Principal District Judge, Chengalpet granted an order of injunction without indicating reasons. The petitioners therefore filed the Civil Revision Petitions challenging the order passed by the learned Principal District Judge, Chengalpet.

3. I have passed the following order on 06.10.2016 and issued notice to the respondent. The order reads thus:-

“The respondent filed a suit for specific performance against the petitioners before the learned Principal District Judge, Chengalpattu in O.S.No.82 of 2016. In the said suit, the respondent filed two interlocutory applications. The application in I.A.No.569 of 2016 was to restrain the petitioners from putting up any kind of construction in the suit

property. The application in I.A.No.570 of 2016 was to restrain the petitioners from assigning the property during the currency of the suit. The learned Judge passed an order of injunction without indicating reasons.

2. The learned counsel for the petitioners contended that the Trial Court without considering the question as to whether the respondent is entitled to an order of injunction granted such an order without reasons. The interim orders are therefore liable to be set aside.

3. The respondent filed the suit in O.S.No.82 of 2016 for specific performance. The respondent took up a contention in the said suit that the possession of the property has already been handed over pursuant to an agreement. It was only on the said basis, the respondent filed the suit. The respondent filed two applications for injunction. The respondent wanted the Trial Court to injunct the petitioners from putting up construction. The respondent also wanted an order to restrain the petitioners from assigning the property.

4. The Trial Court without considering the plaint filed by the respondent, wherein, a specific contention was taken that during the currency of the agreement, the petitioners sold the property to a third party, granted the interim injunction. While granting injunction, the Trial Court was expected to consider the entire facts and arrive at a prima facie satisfaction as to whether the plaintiff has made out a case for injunction. The Court has to see as to whether there is a prima facie case in favour of the plaintiff in the suit, as to whether balance of convenience is in favour of the plaintiff and as to whether irreparable injury would be caused

in case injunction is declined. However, the orders passed by the learned Judge do not contain any reason, much less justifiable reason for granting injunction. It is true that the petitioners have got a remedy of appeal against the orders. However, in a matter of this nature, while the Trial Court itself has not given any reason for grant of injunction, the opposite party would be justified in invoking the jurisdiction under Article 227 of the Constitution of India.

5. Issue notice to the respondent returnable by 02.11.2016. Private Notice is also permitted. There shall be an order of interim suspension of the orders passed in I.A.Nos.569 and 570 of 2016 in O.S.No.82 of 2016, in the mean time.

4. Subsequently, the respondent entered appearance through counsel.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

6. This Court entertained the Civil Revision Petitions filed by the petitioners without availing the alternate remedy available under the statute only on the ground that the trial court has not indicated reasons before granting order of injunction. Now that the respondent has entered appearance, the proper course would be to send the parties to

the trial court to decide the matter on merits.

7. The petitioners are given time till 30.11.2016 to file counter affidavit in I.A.Nos.569 and 570 of 2016. The learned Principal District Judge, Chengalpet is directed to dispose of the applications in I.A.Nos.569 and 570 of 2016 on merits and as per law, as expeditiously as possible, and in any case, on or before 31.01.2017.

8. The status quo as on today shall be maintained till the disposal of the applications by the learned Principal District Judge, Chengalpet

9. The Civil Revision Petitions are disposed of with the above direction. Consequently, connected miscellaneous petitions are closed.

No costs.

02.11.2016

Index:Yes/No

Internet: yes / No

Note: Issue Order copy by 07.11.2016

ssd

K.K.SASIDHARAN, J.

ssd

To

Rudradev Infopark Pvt., Ltd.,
represented by its Director,
Mr.Kothandaraman Ganesh,
RR Towers III, TVK Industrial Estate,
Guindy, Chennai – 600 032.

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