

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.11.2016
CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.3366 of 2016
and
C.M.P.No.17163 of 2016

R.Sanjeevkumar ... Petitioner

Vs.

Murugesan Pillai

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order passed by the learned Subordinate Judge, Pollachi, in I.A.No.31 of 2016, in C.M.A.No.9 of 2016, dated 27.09.2016.

For Petitioner : Mr.N.Umapathi

ORDER

The petitioner filed a Suit for permanent injunction. The petitioner also filed an Interlocutory Application in I.A.No.467 of 2016, before the trial Court for temporary injunction. The trial Court granted an order of interim injunction in the said Suit. Challenging the order passed by the trial Court, the respondent filed an Appeal in C.M.A.No.9 of 2016, before the first Appellate Court. The respondent also filed an Application in I.A.No.31 of 2016, to stay the operation of the order passed in I.A.No.467 of 2016. The first Appellate Court passed an interlocutory order, and

adjourned the matter for further hearing. The said Order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel appearing on behalf of the petitioner.

3. There is no dispute that the trial Court granted an order of injunction in favour of the petitioner. When the Order was taken up in Appeal in C.M.A.No.9 of 2016, before the first Appellate Court, the respondent filed an Application in I.A.No.31 of 2016, for Stay. The learned first Appellate Judge passed an interim order, and issued notice to the petitioner. There is no question of interfering with the interim order at this point of time, as the First Appellate Court is yet to dispose of the Application in I.A.No.31 of 2016. Nothing prevented the petitioner from filing counter affidavit in I.A.No.31 of 2016, and request the first Appellate Court for disposal of the Application in I.A.No.31 of 2016, on merits. I am therefore of the view that there is no case made out to interfere with the order passed by the First Appellate Court in I.A.No.31 of 2016.

4. The petitioner is granted three weeks' time from the date of

receipt of a copy of this order to file counter in I.A.No.31 of 2016.

5. The learned Subordinate Judge, Pollachi, is directed to consider the Application in I.A.No.31 of 2016, in the light of the counter, and dispose of the same on merits, as per law, as expeditiously as possible, and in any case, on or before 31 January, 2017.

6. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

07.11.2016

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Index : Yes/No

To
The Subordinate Court, Pollachi,

K.K.Sasidharan,J.,

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