

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.3531 OF 2016
AND CMP NO.17940 OF 2016

M.Rajendran ... Petitioner

Versus

Subbathal ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the exparte petition and order in I.A.No.1258 of 2016 in O.S.No.1027 of 2016 on the file of the Principal District Munsif, Coimbatore, dated 26.07.2016.

For Petitioner : Mr.S.N.Kirubanandam

ORDER

The order passed by the learned Principal District Munsif, Coimbatore, dated 26 July 2016, in I.A.No.1258 of 2016, in O.S.No.1027 of 2016, granting injunction in favour of the petitioner herein is challenged in this Civil Revision Petition on the ground that the petitioner has not made out a *prima facie* case for the grant of injunction.

2. The respondent filed a suit in O.S.No.1027 of 2016 praying for a decree of permanent injunction restraining the petitioner from interfering with her peaceful possession and enjoyment of the property.

3. The respondent along with the suit filed an application in I.A.No.1258 of 2016 seeking interim injunction. The learned Trial Judge, taking into account the *prima facie* case and balance of convenience, granted an order of injunction and issued notice to the petitioner.

4. The petitioner filed counter affidavit on 19.09.2016. It is the grievance of the petitioner that the Trial Court failed to take up the application and the same resulted in the continuation of the injunction granted on 26.07.2016.

5. The learned counsel for the petitioner contended that it was only after assigning the property to the petitioner through the power agent of the respondent, she filed the civil suit. The learned counsel wanted the Trial Court to dispose of the application as expeditiously as possible.

6. The order dated 26.07.2016 in I.A.No.1258 of 2016 was

granted without hearing the petitioner. The Trial Court was expected to dispose of the interlocutory application within a period of 30 days, in case injunction was granted without notice to the other side.

7. The learned Principal District Munsif, Coimbatore is directed to dispose of the application in I.A.No.1258 of 2016, on merits and as per law, as expeditiously as possible, and in any case, within a period of **30 DAYS** from the date of receipt of a copy of this order.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

14.11.2016

TK

K.K.SASIDHARAN, J.

TK

To

The Principal District Munsif
Coimbatore.

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<http://www.judis.nic.in>