



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P(PD) (MD)No.1030 of 2016

and

CMP(MD)Nos.5158 and 5544 of 2016

1.A.S.Ansar

2.A.K.Khaja Nazeemudeen

3.A.K.Khaja Ziavudeen

4.K.K.Kareem

5.K.K.Hafil

:Petitioners/Respondents/Defendants

Vs.

1.Majilis-Ul-Ulama

a regd. Society rep. By its

General Secretary A.Niyazar Ahammed

2.A.Niyaz Ahammed

:Respondents/Petitioners/Plaintiffs

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 25.04.2016 made in I.A.No.571 of 2016 in O.S.No.566 of 2016 on the file of the II Additional Subordinate Judge, Trichirappalli.

For Petitioners : Mr.T.V.Ramanujam

Senior counsel

for Mr.P.Arun Jayatram

For respondents : Mr.S.Silambanan

Senior counsel

for Mr.M.Subash Babu

O R D E R

This civil revision is filed challenging the order passed by the II Additional Subordinate Judge, Trichirappalli, dated 25.04.2016 and made in I.A.No.571 of 2016 in O.S.No.566 of 2016.

2.Mr.T.V.Ramanujam, learned Senior counsel appearing for the petitioners would contend that the respondents/plaintiffs filed the suit for bare injunction and also filed an application in I.A.No.571 of 2016 for temporary injunction and the learned Subordinate Judge, without giving any reason and without any regard to the Order 39 Rule 1 and 2 of the Code of Civil Procedure, passed a cryptic order and therefore, the order is



3.Mr.S.Silambanan, learned Senior counsel appearing for the respondents would submit that the first respondent/plaintiff is running a CBSC school and 2nd respondent was permitted to function as a Secretary and he has been disbursing the salary and he is also administering the school. While so, the petitioners have interfered with the administration of the school, which necessitated them to file the suit and if the interim order is vacated, the respondents would be put to irreparable loss and hardship and hence, he prayed for the dismissal of the civil revision.

4.Heard both sides and perused the records.

5.The impugned order reads as follows:-

"Heard. Documents perused. The arguments advanced along with the documents filed would make out a prima facie are warranting an interim order. The balance of convenience appears to be in favour of the petitioners. Hence, an order of ad-interim injunction is granted till 13.06.2016. Hence, notice to the respondents by then. Non compliance of O.39 R3 CPC shall per to suspend the interim order."

6.It is settled law that even an interim order should contain reasons. This court has condemned passing of such orders in various judgments. In the case on hand, by a non-speaking order, the learned Judge has granted interim injunction, which cannot be sustained.

7.In such view of the matter, this civil revision is allowed and the impugned order is set aside and the matter is remitted back to the trial court for fresh disposal. The learned II Additional Subordinate Judge, Trichy is directed to dispose of the I.A.No.571 of 2016 in O.S.No.566 of 2016 on merits and in accordance with law, as expeditiously as possible preferably on or before 20.06.2016. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To

The II Additional Subordinate Judge, Trichy.

+1cc to Mr.P.Arun Jayatram, Advocate in SR.28517

+1cc to Mr.M.Subash Babu, Advocate in SR.28487

C.R.P(NPD) (MD) No.1030 of 2016

06.06.2016