

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-09-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.PD.No.3263 OF 2017

B.Jayachandran

...

Petitioner

-VS-

1.K.Balamurugan

2.M/s.Aditya Birla Fashion and Retail Ltd.,

represented by its Authorised Secretary

Mr.Vivek.

...

Respondent

Petition under Article 227 of the Constitution of India against the order, dated 24.08.2017, passed in I.A.No.824 of 2017 in O.S.No.289 of 2017 on the file of District Munsif Court, Poonamallee, Tiruvallur District.

For petitioner : Mr.AR.L.Sundaresan,
Senior Counsel,
for Mr.R.Kandasamy.

For respondent : Mr.G.Ehirajulu

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ORDER

This Civil Revision Petition is directed against the order of an ad-interim injunction, dated 24.08.2017, passed under Order 39, Rules 1 and 2 of C.P.C., in

I.A.No.824 of 2017 in O.S.No.289 of 2017 on the file of District Munsif Court, Poonamallee.

2. The contention of Mr.AR.L.Sundaresan, learned Senior Counsel for the petitioner, who is the defendant before the trial Court, is, that even though an order of injunction has been granted by the trial Court, reasons for granting such injunction without notice, as contemplated under 39, Rules 1 and 2, have not been given. According to the learned Senior Counsel, the petitioner is seriously prejudiced and his ingress and egress to the building is completely blocked by undue process of law, and, on the strength of the said order of injunction, the respondents, who are defendants before the trial Court, are putting up other constructions. Accordingly, the learned Senior Counsel would seek suspension of the order of injunction granted by the trial Court on 24.08.2017.

3. Per contra, learned counsel for the respondents would submit, that even as per the records produced by the revision petitioner, the peace of land, which was purchased in the year 2012, has been gifted by the petitioner without any authority, and, therefore, the grant of injunction by the trial Court is based on sound reasons and the same shall not be interfered with.

4. On a perusal of the records placed before this Court, this Court is of the considered opinion, that status quo, as of today, shall be maintained by the parties, as

there are rival contentions as to the possession and construction over the disputed area. Also, from the order impugned, it is seen, that the matter stands posted for 07.09.2017, for hearing.

5. Given the above situation, the District Munsif, Poonamallee, is directed to dispose of the interlocutory application i.e., I.A.No.824 of 2017, pending on his file, on 07.09.2017 itself, the date on which it stands posted to, after hearing both the parties, and, if it is not so possible, within a period of one week thereafter. Until such time, both the parties are directed to maintain status quo, which is prevailing as on today.

6. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected C.M.P.No.15222 of 2017 is closed.

Index : Yes/No

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Internet : Yes/No

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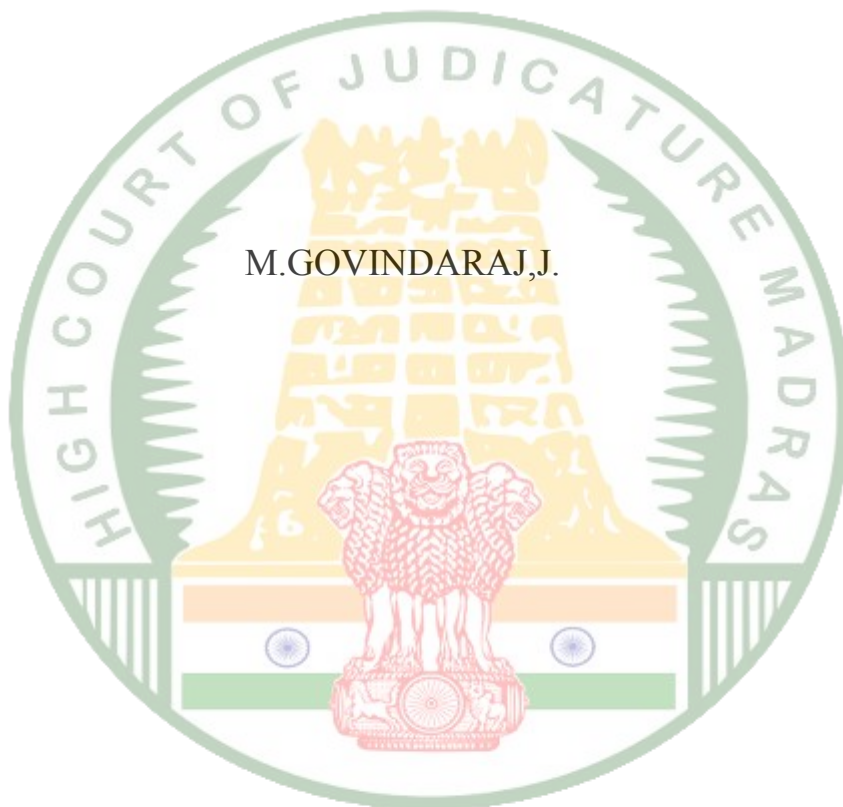
Note to Office :

Issue Order Copy today.

To
The District Munsif,
Poonamallee,

Tiruvallur District.

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M.GOVINDARAJ,J.

C.R.P.PD.No.3263 OF 2017

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