

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) NO.3492 OF 2017

AND

CMP NO.16238 OF 2017

R.V.Kuppusamy

... Petitioner

Vs.

R.Rangaraj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the petition and orders passed in I.A.No.261 of 2017 in O.S.No.56 of 2017 for dispose on the file of Principal District Court, Villupuram.

For Petitioner : Ms.Hema Sampath
Senior Counsel for Ms.R.Meenal

ORDER

This Civil Revision Petition is directed against the non disposal of injunction application in I.A.No.261 of 2017 in O.S.No.56 of

2017 on the file of Principal District Court, Villupuram.

2. The petitioner is the plaintiff. He has filed four suits for recovery of money on promissory notes to the tune of Rs.20,00,000/-. The learned Principal District Judge, Villupuram, has ordered notice on 24.08.2017, returnable by 20.09.2017.

3. It is submitted by the petitioner / plaintiff that the respondent is taking action to transfer the route permit of his bus in favour of a third party and if the route permit is transferred, the rights of the petitioner will be defeated. The petitioner / plaintiff has further stated in the plaint that the defendant is arranging to transfer the permit in favour of a Transport Operator in Kulithalai. The route permit is likely to be transferred tomorrow i.e., on 19.09.2017 and the same is going to be registered before the Transport Authority. Since the matter is posted on 20.09.2017, without having any efficacious remedy, the petitioner has approached this Court under Article 227 of the Constitution of India.

4. The petitioner has also filed an application for attachment before judgment in I.A.No.260 of 2017 and notice has been ordered for

furnishing security. It is not clear as to the status of that application. The matter was taken on file on 24.08.2017 and notice was ordered returnable by 20.09.2017. I do not find any discrepancy in the procedure adopted by the learned District Judge. Since the Court has ordered notice, any action will be subject to result of the lis. However, there is no prohibitory order against the respondent / defendant. The plaint averments also disclose the factual submissions made by the learned Senior Counsel as to the dire circumstances.

5. Considering the facts and circumstances of the case, a direction is issued to the Principal District Judge, Villupuram to consider I.A.Nos.260 and 261 of 2017 in O.S.No.56 of 2017 on merits and pass orders as to whether the petitioner is entitled to grant of interim injunction or not, without being influenced by the orders of this Court, on 20.09.2017, and finally to dispose of the same, within a period of one month from the date of receipt of a copy of this order. The respondent is injuncted from transferring the route permit of the vehicle bearing Registration No. TN-32-E-7374 to any third parties, till 21.09.2017.

6. With the above observation and direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

18.09.2017

Index : Yes/No

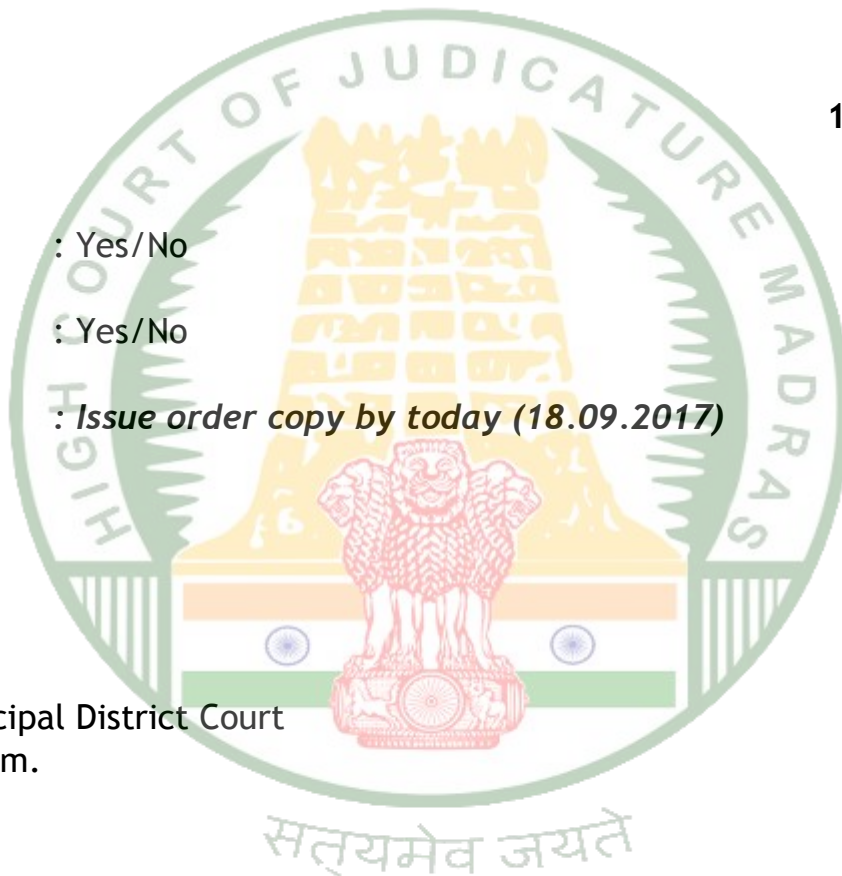
Internet : Yes/No

Note : *Issue order copy by today (18.09.2017)*

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To

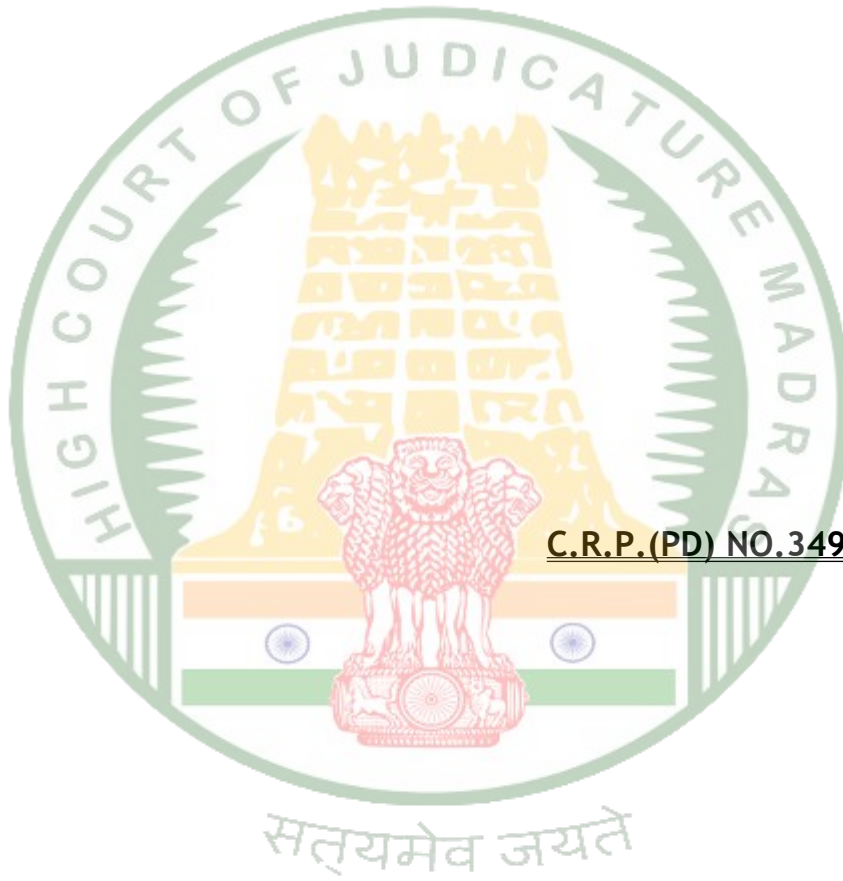
The Principal District Court
Villupuram.



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M.GOVINDARAJ, J.

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