

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP.PD.No.4022 of 2017 and
CMP.No.18813 of 2017

A.Ramar

... Petitioner

Vs.

1.A.Kumarasamy
2. C.Ayyannan
3. C.Kerayan
4. A.Arumugam

.. Respondents

PRAYER : The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned District Munsif cum Judicial Magistrate, Pennagaram dated 06.02.2017 made in I.A.No.155 of 2013 in OS.No.90 of 2012.

For Petitioner : Mr.K.Sathyabal
for Mr.S.Jimraj Milton

O R D E R

The first respondent has filed a suit in OS.No.90 of 2012 before the District Munsif cum Judicial Magistrate, Pennagaram. In the aforesaid suit, ex-parte interim injunction was granted on 19.11.2012. Subsequently, the aforesaid interim injunction granted by the Court was confirmed on 19.09.2016. After interim order was granted by the court below, the first respondent has filed an application in IA.No.155 of 2013 for providing police protection to the first respondent / plaintiff. Challenging the aforesaid order, the petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the petitioner would submit that the petitioner also filed yet another suit in O.S.No.8 of 2013 in the same court for declaration and the same is also pending. While being so, the order dated 06.02.2017 for police protection passed by the court below is erroneous and illegal. Therefore, the petitioner has filed the present Civil Revision Petition before this Court against the order dated 06.02.2017.

3. By considering the facts and the submissions of the learned counsel for the petitioner, it is an admitted fact that the first respondent / plaintiff has filed a suit in O.S.No.90 of 2012. In the aforesaid suit, an ex-parte interim injunction was granted on 19.11.2012 and subsequently, the said injunction was confirmed on 19.09.2016. The revision petitioner has not preferred any appeal against the order passed in OS.No.90 of 2012. Therefore, the first respondent / plaintiff has filed the instant application in IA.No.155 of 2013 for providing police protection, which has been granted. But the petitioner has filed the present Civil Revision Petition against the order passed in the above interlocutory application. In such circumstances, it is for the petitioner to approach the appropriate court for getting the relief. Without exhausting the remedy, filing the present Civil Revision Petition against the order dated 06.02.2017 cannot be entertained. No prima facie case is made out in favour of the petitioner.

4. The Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To
The District Munsif cum
Judicial Magistrate,
Pennagaram.

+ 1 cc to Mr.S. Jim Raj Milton, Advocate SR.77755

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PA(CO)
EU(07/12/2017)