

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD). No.4409 of 2017
and CMP.No.20958 of 2017

R.Venkatesan

... Petitioner

Vs.

V.Ramesh

...Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 26.07.2017 passed in C.M.A.No.13 of 2014 on the file of (Sub Court, Ponneri) confirming in I.A.No.754 of 2014 in O.S.No.140 of 2010 order dated 22.07.2014 on the file of the learned District Munsif, Ponneri.

For Petitioner : Mr.T.K.Ashok Kumar

For Respondent : Mr.R.Munuswamy

ORDER

The respondent has filed a suit in OS.No.140 of 2010 for declaration and permanent injunction before the District Munsif Court, Ponneri. In the aforesaid suit, the respondent has also filed an application in IA.No.754 of 2014 for interim injunction. By order

dated 22.07.2014, the learned District Munsif has granted interim injunction, pending disposal of the suit, by relying upon Ex.P1, Ex.P4, Ex.P5, Ex.P6, Ex.P7, Ex.P8, Ex.P10, Ex.P13, Ex.P16 and Ex.P17. Challenging the said order, the petitioner has preferred an appeal in CMA.No.13 of 2014 before the Sub Court, Ponneri. The learned Subordinate Judge has passed detailed order, by relying upon the documents filed by the respondents, confirmed the order passed by the trial court. Challenging the aforesaid order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the order of the Appellate court is erroneous, as the Appellate court without considering the contention of the revision petitioner, passed the impugned order. Therefore, the orders passed by both the courts are liable to be set aside.

3. Per contra, the learned counsel for the respondents would submit that both the courts have considered the documents marked by the respondents and the trial court satisfied with the prima facie material and granted interim injunction. Therefore, the Civil Revision Petition is liable to be set aside.

4. On perusal of Ex.P1, Ex.P4, Ex.P5, Ex.P6, Ex.P7, Ex.P8, Ex.P10, Ex.P13, Ex.P16 and P17 rectification deeds and on the basis of the other documents both the courts have granted interim injunction in favour of the respondents. No materials has been placed before this court by the petitioner to interfere with the order of injunction order granted in favour of the respondent. Therefore, no prima facie case is made out. Hence, there is no warrants to interfere with the orders passed by both the courts.

5. The trial court is directed to dispose of the suit in OS.No.140 of 2010 on merits without being influenced by any of the observations made in the order passed in IA.No.754 of 2014.

6. The Civil Revision Petition fails and accordingly, the same stands dismissed with above observations. Consequently, the miscellaneous petition is closed. No costs.

Speaking / Non Speaking order
Index :Yes/No
Internet :Yes/No
lok

07.12.2017

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D.KRISHNAKUMAR.J,

lok

To

1. The Sub Court,
Ponneri
2. The District Munsif Court,
Ponneri.



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