

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2017

Coram

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD).No.4479 of 2017

Indian Dental Association
Tamilnadu State Branch rep
by its Honorary Secretary
Dr.R.Arun
Having its office at JAI Dental Hub
712/34, C-2, Kothai Plaza
Salem Road, Namakkal.

...Petitioner

Vs.

1. Dr.K.K.Umashankar
2. Dr.S.Sivakumar
3. Indian Dental Association
Tamilnadu State Branch, Rep
by its President Dr.T.Gokulraj

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.1291 of 2015 in O.S.No.965 of 2015 dated 23.02.2016 on the file of the Sub-Court, Erode.

For Petitioner : Mr.P.Guru Nathan

For Respondents : No Appearance

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order passed in I.A.No.1291 of 2015 in O.S.No.965 of 2015 dated 23.02.2016 on the file of the Sub-Court, Erode.

2. According to the petitioner, the respondents herein filed an application in I.A.No.1291 of 2015 before the Sub-ordinate Judge, Erode, to restrain the petitioner from conducting the Annual General Body Meeting at Hotel Nala, Namakkal on 27.12.2015 or any other date or at any other place without following the procedures laid down by the Indian Dental Association by means of temporary injunction, till the disposal of the suit and also to grant an ad interim injunction to the same effect pending disposal of the application.

3. In the aforesaid suit, under Order 39 Rule 1 and 2 and Section 151 of CPC, the Court below has granted an interim injunction and subsequently, made absolute. Challenging the order passed in I.A.No.1291 of 2015, the petitioner is now before this Court. Aggrieved by the said order, the petitioner has also filed an appeal before the Appellate Court. Therefore, the Civil Revision Petition is not maintainable.

4. In view of the appeal proposed under Order 7 Rule 11(d) and Section 151 of CPC, the present Civil Revision Petition is not maintainable. It is for the petitioner to workout their remedy before the Appellate Court. Hence, the Civil Revision Petition fails and the same stands dismissed.

14.12.2017

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Index : yes/no

Internet : yes/no

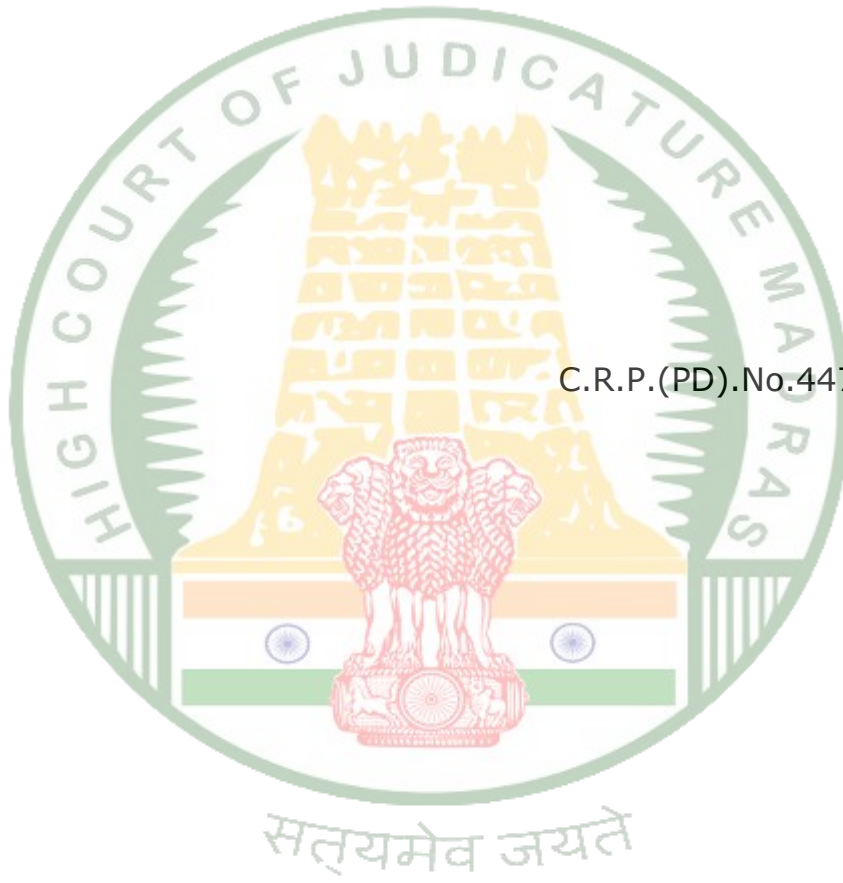
Speaking / Non-speaking Order

To

The Sub Judge,
Erode.

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D. KRISHNAKUMAR, J.



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