

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.3056 of 2015
and M.P.No.1 of 2015

P.M.Shamshuddin

.. Petitioner

-Vs.-

C.Srinivasan

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order made by the learned Principal Subordinate Court, Krishnagiri the lower Appellate Court, in I.A.No.6 of 2015 in A.S.No.3 of 2015 dated 30.04.2015.

For petitioner ... Mr.K.Venkatakrishnan

For Respondent ... Mr.L.Mouli

O R D E R

This Civil Revision Petition is directed against the order dated 30.04.2015 passed by the learned Principal Subordinate Judge, Krishnagiri in I.A.No.6 of 2015 in A.S.No.3 of 2015.

2. The suit is filed by the plaintiff for permanent injunction restraining the defendant from dispossessing them, unless by due process of law. The said suit was decreed. While decreeing the suit, there was a direction to the defendant to pay a sum of Rs.75,00,000/- as mentioned in Ex.B-5 along with 12% per annum within a period of five months. The said direction was given in the decree without even prayer in the plaint. Therefore, it was challenged by the defendant in A.S.No.3 of 2015 on the file of the Sub Court, Krishnagiri. Pending the appeal, I.A.No.6 of 2015 was filed seeking stay of the judgment and decree in O.S.No.222 of 2012. The said application was dismissed. Though Clause (1) of the decree, which is outside the scope of the suit, was stayed, the other Clauses of the decree were not stayed. Hence, the Civil Revision Petition has been filed.

3. Since the suit itself is one for bare injunction, I am inclined to give a direction to the Principal Subordinate Judge, Krishnagiri to dispose of the appeal itself on or before 30.04.2017. In the meanwhile, the decree passed in O.S.No.222 of 2012 should not be executed.

4. With the above said direction, the Civil Revision is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2017

srn

To

The learned Principal Subordinate Court,
Krishnagiri .

PUSHPA SATHYANARAYANA.J

srn

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