

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4506 of 2011
and M.P.No.1 of 2011

T.Padmanaban

.. Petitioner

Vs.

1.T.Vellaiyan

2.V.Diamond Raja

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 26.08.2011 made in C.M.A.No.181 of 2009 on the file of the learned III Additional Judge, City Civil Court, Chennai, partly reversing the order dated 02.12.2009 made in I.A.No.19546 of 2009 in O.S.No.10230 of 2009 on the file of the learned I Assistant Judge, City Civil Court, Chennai.

For Petitioners

: Mr.S.Senthilnathan

For Respondents

: No appearance

ORDER

The Civil Revision Petition is filed against the judgment and decree dated 26.08.2011 made in C.M.A.No.181 of 2009 on the file of the learned III Additional Judge, City Civil Court, Chennai, partly reversing the order dated 02.12.2009 made in I.A.No.19546 of 2009 in O.S.No.10230 of 2009 on the file of the learned I Assistant Judge, City Civil Court, Chennai.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.10230 of 2009 on the file of the learned I Assistant Judge, City Civil Court, Chennai. The petitioner filed suit for permanent injunction restraining the respondents from entering into the shops shown in the schedule 1 and 2 to the plaint. Along with the suit, the petitioner filed I.A.No.19546 of 2009 for interim injunction restraining the respondents from entering the shops shown in schedule 1 and 2. Pending suit, an ex parte injunction was granted on 02.12.2009. Subsequently, after hearing both the parties, the same is made absolute till the disposal of the suit.

3. The respondents filed appeal in C.M.A.No.181 of 2009 on the file of the III Additional Judge, City Civil Court, Chennai, against the said order of interim injunction.

4. The learned Appellate Judge independently considering the materials on record confirmed the interim injunction in respect of schedule-1 of the property and set aside the interim injunction in respect of the schedule-2 of the property.

5. Against the order dated 26.08.2011 made in C.M.A.No.181 of 2009, the present civil revision petition is filed by the petitioner.

6. Heard the learned counsel for the petitioner and perused the materials on record. Though notice served on the respondents 1 & 2 and their names have been printed in the cause list, there is no representation on behalf of the respondents either in person or through counsel.

7. The petitioner filed suit for permanent injunction in respect of the schedule 1 and 2 of the property and shops. Along with the suit, the petitioner filed I.A.No.19546 of 2009 for interim injunction.

8. Considering the fact that the prayer sought for in the suit is for permanent injunction, the relief sought for in I.A.No.19546 of 2009 is for interim injunction and the suit is of the year 2009, without deciding the issue in the C.R.P., it will be in the interest of justice, the learned I Assistant Judge, City Civil Court, Chennai, is directed to dispose the suit in O.S.No.10230 of 2009 on merits and in accordance with law as expeditiously as possible in any event not later than three months from the date of receipt of a copy of this order.

9. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2017

Index:Yes/No

Speaking/Non-speaking order:Yes/No

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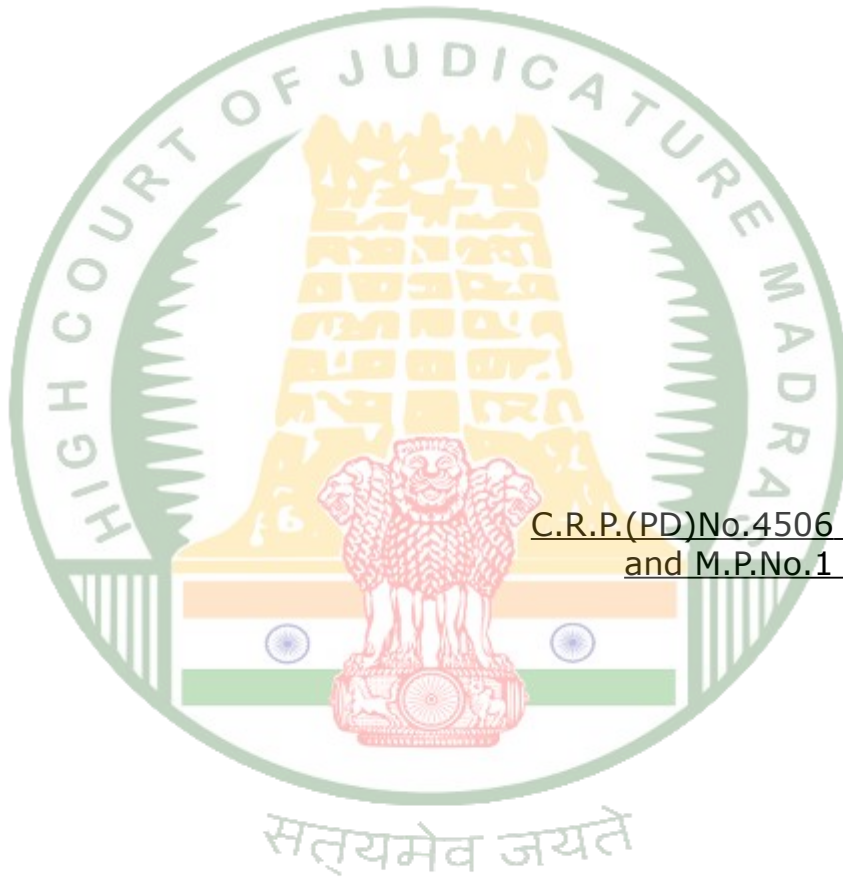
1. I Assistant Judge
City Civil Court, Chennai.

2. III Additional Judge
City Civil Court, Chennai.

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V.M.VELUMANI, J.

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