

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4779 of 2011 & M.P.No.1 of 2011

N.Krishnasamy

.. Petitioner

Vs.

1.Durai Raj
2.Kalpana

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure praying to set aside the order and decretal order dated 30.06.2011 made in C.M.A.No.3 of 2011 on the file of the Sub Judge, Perambalur, confirming the order and decretal order dated 03.11.2010 made in I.A.No.578 of 2010 in O.S.No.224 of 2010 on the file of the District Munsif, Perambalure and grant interim injunction restraining the respondents and their agents from interfering with the petitioner's possession and enjoyment of the suit properties forming the subject matter in O.S.No.224 of 2010 on the file of the District Munsif, Perambalur.

For Petitioner

: Mr.R.Balasubramanian

For Respondents

: Mr.S.Gunalan for R2

ORDER

This Civil Revision Petition has been filed against the order and decretal order dated 30.06.2011 made in C.M.A.No.3 of 2011 on the file of the learned Sub Judge, Perambalur, confirming the order and decretal order dated 03.11.2010 made in I.A.No.578 of 2010 in O.S.No.224 of 2010 on the file of the learned District Munsif, Perambalur.

2. The petitioner is the plaintiff and respondents are the defendants in O.S.No.224 of 2010. The petitioner filed the suit for cancellation of the sale deed dated 07.12.2000; for declaration that the petitioner is the owner of the property; and for permanent injunction. Along with the suit, the petitioner filed an application in I.A.No.578 of 2010 for temporary injunction, pending suit. The said application was dismissed on 03.11.2010 by the learned Judge holding that the petitioner has not made out any prima facie case and the balance of convenience in his favour.

3. Against the said order, the petitioner filed an appeal in C.M.A.No.3 of 2011 before the Subordinate Court, Perambalur.

4. The learned Sub Judge, considering the materials available on record, documents and order of the trial Court, dismissed C.M.A.No.3 of 2011 on 30.06.2011 confirming the order of the trial Court made in I.A.No.578 of 2010 dated 03.11.2010.

5. Against the order of dismissal dated 30.06.2011 made in C.M.A.No.3 of 2011, the present Civil Revision Petition is filed by the petitioner.

6. Heard the learned counsel for the petitioner and the learned counsel for 2nd respondent and perused the materials available on record.

7. The Civil Revision Petition is filed in the year 2011. At the time of admission, this Court did not grant any interim order.

8. Considering the fact that both the Courts below have dismissed the application for temporary injunction and the suit is filed in the year 2010, without deciding the issue on merits, the Civil Revision Petition is disposed of directing the learned Trial Judge, Perambalur to dispose the suit in O.S.No.224 of 2010 on the file of the District Munsif Court, Perambalur on merits and in accordance with law, if the suit is not already disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

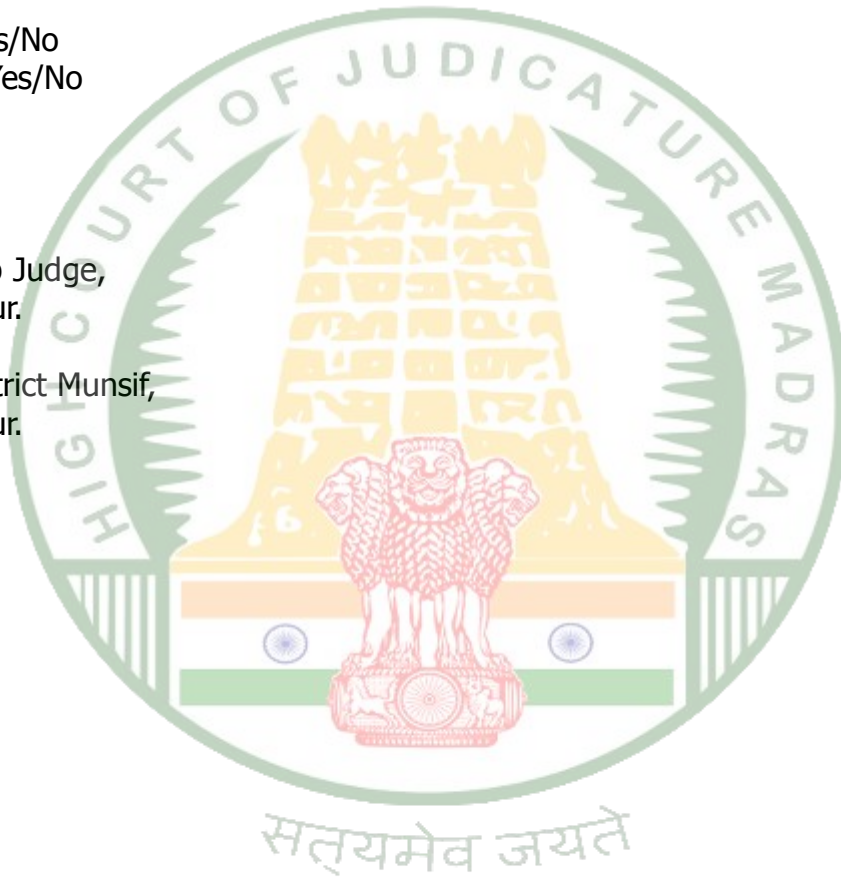
03.07.2017

Index :Yes/No
Internet:Yes/No
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To

1.The Sub Judge,
Perambalur.

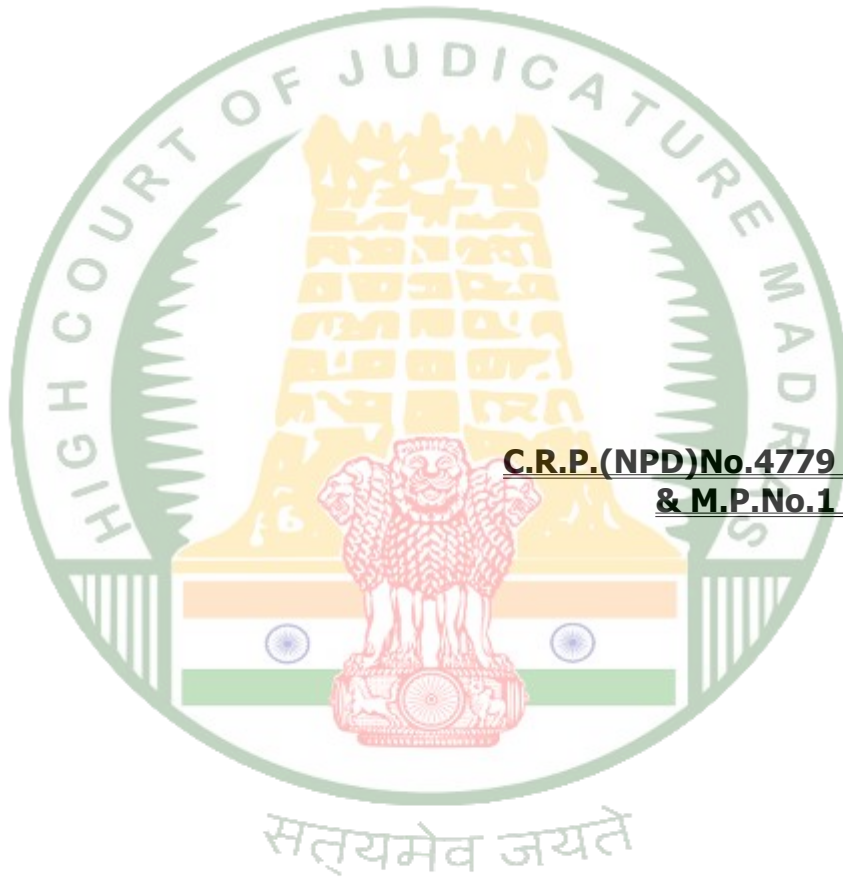
2.The District Munsif,
Perambalur.



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V.M.VELUMANI,J.

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