

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P.(PD)No.4044 of 2008  
and M.P.No.1 of 2008

1. S.Sivalingam

2. P.Kalaimani

3. N.Vijayan

.. Petitioners

Vs.

M.Subramaniam

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Judgement and Decree dated 31.07.2007 made in C.M.A.No.14 of 2003 on the file of the Additional District and Sessions Court, Fast Track Court No.I, Chennai, reversing the order dated 07.01.2003 made in I.A.No.2263 of 2001 in O.S.No.769 of 2001 on the file of XI Assistant City Civil Court, Chennai.

For Petitioners : Mr.C.T.Mohan  
For Respondent : Not ready in notice

ORDER

The Civil Revision Petition is filed against the judgement and decree dated 31.07.2007 made in C.M.A.No.14 of 2003 on the file of the Additional District and Sessions Court, Fast Track Court No.I, Chennai, reversing the order dated 07.01.2003 made in I.A.No.2263 of 2001 in O.S.No.769 of 2001 on the file of XI Assistant City Civil Court, Chennai.

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

3. The petitioners are the defendants and respondent is the plaintiff in O.S.No.769 of 2001. The respondent filed suit for permanent injunction restraining the petitioners from interfering with the respondent's peaceful possession and enjoyment of the suit schedule property. Pending suit, the respondent filed I.A.No.2263 of 2001 for interim injunction and the same was dismissed on 07.01.2003. Against the said order of dismissal, the respondent

filed C.M.A.No.14 of 2003. By the judgment and decree dated 31.07.2007, C.M.A.No.14 of 2003 was allowed granting interim injunction to the respondent. Against the said judgment and decree, the petitioners have come out with the present Civil Revision Petition.

4. Pending Civil Revision Petition, the suit filed by the respondent is decreed, challenging the same, the petitioners filed first appeal and that was allowed. Against the judgment and decree passed in the first appeal, the respondent filed second appeal and the same is pending. In view of the fact that the suit itself has already been decreed, nothing survives in the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.10.2017

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To

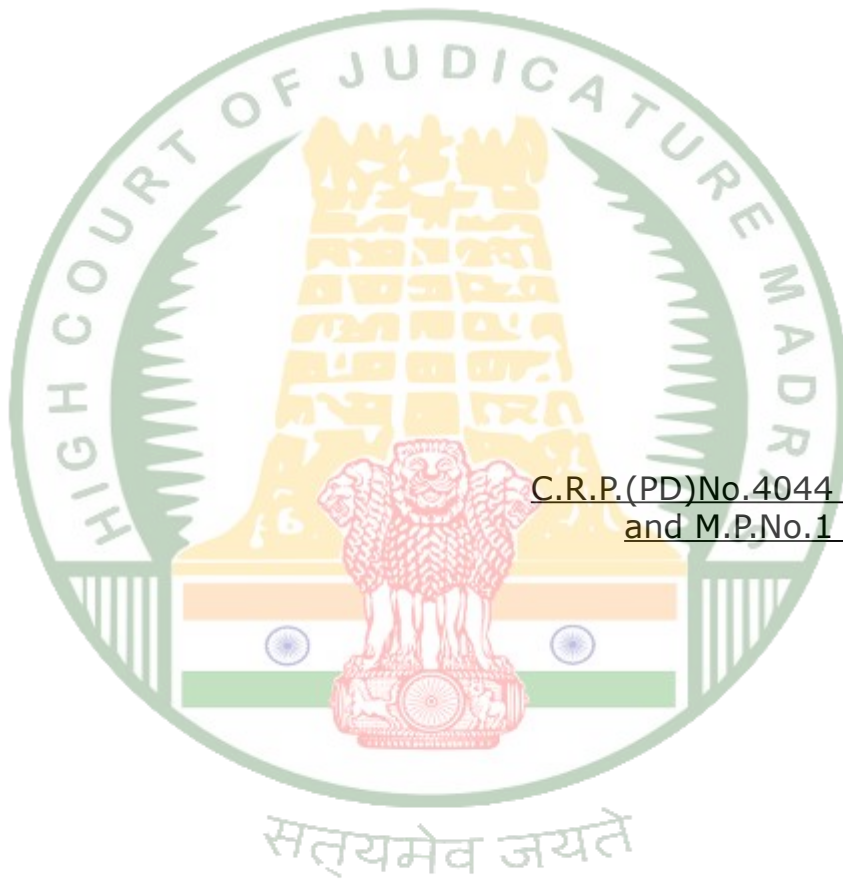
1. Additional District and Sessions Judge,  
Fast Track Court No. I  
Chennai.

2. XI Assistant Judge, City Civil Court, Chennai.

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**V.M.VELUMANI, J.**

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