

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No. 777 of 2013 and
M.P.No.1 of 2013

Vedarethinam

...Petitioner

Vs

Marimuthu

...Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and final order passed in C.M.A.No.27 of 2010 on the file of the District Court, Tiruvarur dated 17.08.2012 confirming the fair and final order in I.A.No.100 of 2010 in O.S.No.41 of 2010 dated 23.08.2010 on the file of Sub-Court, Mannargudi.

For Petitioner : Ms.P.T.Ramadevi

For Respondent : No Appearance

ORDER

The petitioner filed a civil suit in O.S.No.41 of 2010 before the Sub-Court, Mannargudi for a decree of permanent injunction. Before the Trial Court, the petitioner filed a petition for interlocutory injunction. The petition was dismissed. The said order was challenged before the District Court, Tiruvaur in C.M.A.No.27 of 2010. The

learned District Judge concurred with the views expressed by the Trial Court and dismissed the Civil Miscellaneous Appeal. The judgment dated 17 August, 2012 in C.M.A.No.27 of 2010 is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner. None appeared on behalf of the respondent.

3. The suit in O.S.No.41 of 2010 was instituted by the petitioner before the Sub-Court at Mannarkudi for permanent injunction. The petitioner failed to produce materials to prove *prima facie* case, balance of convenience and irreparable injury and as such, the learned Sub-ordinate Judge dismissed the petition for interim injunction. When the matter was taken before the first Appellate Court, the petitioner could not produce any other material to prove the *prima facie* case. The first appellate Court therefore dismissed the Civil Miscellaneous Appeal.

4. Though this Court issued notice to the respondent, there was no injunction granted by this Court, in spite of seeking a prayer for the same. In view of the order dated 23 August, 2010 in I.A.No.100 of

2010 in O.S.No.41 of 2010 and the judgment in C.M.A.No.27 of 2010, it is not for this Court to interfere in the matter. It is open to the petitioner to canvass all the points before the Trial Court in O.S.No.41 of 2010.

5. The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2017

svki

To

1.The District Court, Thiruvavur.

2.The Sub-Court, Mannarkudi

K.K.SASIDHARAN,J.
(svki)

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