

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.228 of 2017
and C.M.P.No.991 of 2017

1.Ravi

2.Gnanasekaran @ Nanu

3.Selvakumar @ Sokku

... Petitioners

Vs.

V.Sendil

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 26.08.2016 made in C.M.P.No.623 of 2016 in C.M.A.(SR).No.24332 of 2016 on the file of the Principal Judge, City Civil Court, Chennai, dismissing the same.

For Petitioners : Mr.P.G.Thiyagu

ORDER

Challenging the order passed in C.M.P.No.623 of 2016 in C.M.A.(SR).No.24332 of 2016 on the file of the Principal Judge, City Civil Court, Chennai, the defendants in O.S.No.3445 of 2014 on the file of the II Assistant Judge, City Civil Court, Chennai, have filed the above Civil Revision Petition.

2.The respondent/plaintiff filed the suit in O.S.No.3445 of 2014 for permanent injunction.

3.In the said suit, the respondent/plaintiff took out an application in I.A.No.9410 of 2014 for interim injunction, which was allowed by the trial Court, against which the defendants preferred an un-numbered appeal in C.M.A.(SR).No.24332 of 2016 with a delay of 615 days in filing the appeal. The trial Court dismissed the petition, against which the present Civil Revision Petition has been filed by the defendants in O.S.No.3445 of 2014.

4.When the matter is taken up for hearing, the learned counsel for the petitioners submitted that the revision petitioners have also filed a suit in O.S.No.6142 of 2016 on the file of the II Assistant Judge, City Civil Court, Chennai, for declaration, permanent injunction and for other reliefs.

5.The learned counsel submitted that the order passed in C.M.P.No.623 of 2016 in C.M.A.(SR).No.24332 of 2016 may be confirmed and it would be suffice to direct the II Assistant Judge, City Civil Court, Chennai to try both the suits (i.e.) O.S.No.3445 of 2014 and O.S.No.6142 of 2016 jointly.

6.Further, it is brought to the notice of this Court that the revision petitioners have also filed a memo for joint trial of both the suits before the trial Court.

7.In these circumstances, I direct the II Assistant Judge, City Civil Court, Chennai to consider the memo filed by the revision petitioners and decide the same on merits and in accordance with law.

8.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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17.03.2017

To

1.The II Assistant Judge,
City Civil Court,
Chennai.

2.The Principal Judge,
City Civil Court,

Chennai.

M. DURAISWAMY,J.

va

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<http://www.judis.nic.in>**