



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2017

WEB COPY

CORAM :

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (PD) (MD) No. 443 of 2017

and

C.M.P (MD) No. 2168 of 2017

- 1) P. Muthusamy
- 2) P. Sellammal
- 3) M. Logambal
- 4) M. Sureshkumar
- 5) M. Vijayakumar
- 6) P. Meenakshi
- 7) S. Indumathi

... Petitioners
/ Respondents / Defendants 1 to 7

vs.

- 1) P. Kandasamy
- 2) K. Banumathy
- 3) M. Thangavel
- 4) T. Geetha

... Respondents
/ Petitioner / Plaintiffs

Petition filed under Article 227 Constitution of India, against the ex parte order of interim injunction dated 24.01.2017 passed in I.A.No.44 of 2017 in O.S.No.7 of 2017 on the file of the learned Principal District Judge, Karur.

For Petitioner : Mr. VR. Shanmuganathan
For Respondents : Mr. T. R. Jeyapalam

O R D E R

The grievance of the revision petitioners is that despite filing of the caveat petition suppressing the said fact, the respondents herein have obtained ex parte interim injunction and therefore, counter was filed by the revision petitioners. But, however, the Trial Court has not taken up the matter even after lapse of 30 days.

2. The learned counsel appearing for the respondents fairly conceded that if there is any grievance of depriving the revision petitioners of giving notice, the Court may vacate the injunction granted ex parte, but however, a direction may be issued to the Trial Court to hear the interlocutory application on merits within



the stipulated time and pass appropriate order.

3. Considering the submission made by the respective counsels, this Court is of the opinion that since the ex parte order was passed without giving notice to the Caveators and also is in force for more than 30 days which is against the provisions of Order 39 Rule 3A CPC, the impugned ex parte interim order dated 24.01.2017 passed in I.A.No.44 of 2017 in O.S.No.7 of 2017 by the Trial Court is hereby vacated with the direction to the Trial Court to dispose of I.A.No.44 of 2017 in O.S.No.7 of 2017 by 28.04.2017.

With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To
The Principal District Judge,
Karur.

1CC TO MR. VR. SHANMUGANATHAN, ADVOCATE SR: 50610

1CC TO MR. T.R. JEYAPALAM, ADVOCATE SR: 50452

nbi/rmk

AE/SKN RSK/SAR3/06.04 2017/2P/4C

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