



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

CORAM :

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD) No.837 of 2017 (PD)

1.Kesavan
2.Seeni
3.Dhanalakshmi
4.Uma Maheswari
5.Nachammal

... Petitioners/Appellants/
Petitioners/Plaintiff
vs.

Perumal

... Respondent/Respondent/
Respondent/Defendant

Prayer:- Civil Revision Petition filed the under Article 227 of the Constitution of India, against the order and decree dated 03.01.2017 made in C.M.A.No.5 of 2016 passed by the learned Principal Sub-Court, Dindigul, Dindigul District confirming order and decree dated 10.07.2015 made in I.A.No.154 of 2014 in O.S.No.35 of 2014 passed by the learned District Munsif Cum Judicial Magistrate, Natham.

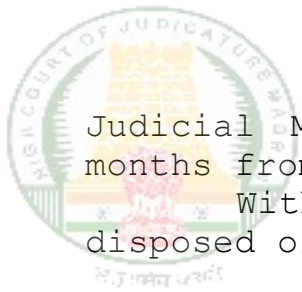
For Petitioner

: Mr.G.Gomathi Sankar

ORDER

The revision petitioners are the plaintiffs in O.S.No.35 of 2014 seeking permanent injunction against the defendants, have also incidentally filed another interlocutory application for temporary injunction. The said interlocutory application was dismissed by the Trial Court. The appeal preferred by the revision petitioners against the dismissal of the said I.A., was also dismissed by confirming the Trial Court order. Aggrieved by which, the present revision petition is filed on the ground that the Trial Court has failed to consider the undisturbed possession and enjoyment of the property by the revision petitioners and without considering the balance of the convenience, the Court below erroneously rejected the I.A on the ground of suppression of facts.

2.Since the prayer in the main suit as well as the I.A are one and the same, this Court is not inclined to go into the merits of the case, except to direct the Trial Court to dispose of the suit in O.S.No.35 of 2015 on the file the District Munsif Cum



Judicial Magistrate, Natham, on merits within a period of six months from the date of receipt of a copy of this order.

With the above direction, the civil revision petition is disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar

Sub Assistant Registrar

To

1. The Principal Sub-Court, Dindigul,
Dindigul District.

2. The District Munsif Cum Judicial Magistrate,
Natham.

+1 cc to Mr.G.Gomathishankar, Advocate, SR.No. 53017

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