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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) .No.959 of 2017

and

CMP (MD) .Nos.4227 & 4889 of 2017

Syed Sulthan Beevi @ Bashiriya

...Petitioner

Vs.

1.Umar Hayam

2.Sheik Abdul Kadhar

3.Piyari John

4.S.Ajija Banu

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and executable order dated 09.12.2016 made in I.A.No.741 of 2016 in O.S.No.509 of 2016 on the file of the District Munsif, Madurai.

For Petitioner : No Appearance

For Respondents : Mr.M.Raja Raman

ORDER

Aggrieved by the order passed under Order 39 Rule 1 CPC, by the Trial Court, directing the revision petitioner to maintain status-quo and shall not put up any further construction in the 3 ½ feet north south breath in the entire northern side of the suit property till the disposal of the suit, present revision petition is filed under Article 227 of the Constitution of India.

2.At the time of admission, this Court has granted interim stay in CMP(MD)No.4227 of 2017 dated 27.04.2017. The respondent therein has filed CMP(MD)No.4889 of 2017, to vacate the stay. He further stated that the revision petition itself is not maintainable, as it is directed against the order passed under Order 39 Rule 1 CPC, which is an appealable order as per Order 43 Rule 1(r) CPC.

3.This Court on perusal of the petition affidavit and the affidavit accompanied with vacate stay petition is convinced that this revision petition has been filed before this Court invoking Article 227 of the Constitution of India, when there is a specific service to the act to prefer appeal. With this observation, this Court is inclined to dismiss this revision petition, without going into the merits.



4.Hence, this civil revision petition is dismissed.
Consequently, connected Miscellaneous Petitions are closed. No
Costs.

Sd/-
Assistant Registrar(Crl side)

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/ True Copy /

Sub Assistant Registrar(C.S.)

To

The District Munsif,
Madurai.

+1cc to M/S.M.RAJARAMAN, Advocate SR.No.60928

+1cc to M/S.R.SURYA NARAYANAN, Advocate SR.No.60764

gk/mm

MAS/MR-KKR/SAR3:18.07.2017:2P-4C

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