

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 151 of 2018

and

CMP. No.785 of 2018

1. D.Selvi
2. R.Sankar
3. R.Soundarapandian
4. P.Devada
5. R.Arulmozhi

.. Petitioners

Vs

1. M.Radhakrishnan
2. K.Vinayagam
3. M/s.Coramandal Beach Properties Private Limited,
represented by its Director, Monisha Ranjan
4. G.Madusudana
5. G.Thirupal Reddy

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order, dated 04.03.2017 made in I.A.No.901 of 2016 in I.A.No.723 of 2013 in O.S.No.150 of 2013 on the file of the District Munsif at Madurantakam, Kancheepuram District.

For Petitioners :Mr.B.Dayalan

ORDER

This Civil Revision Petition is filed against the dismissal order dated 04.03.2017 made in I.A.No.901 of 2016 in I.A.No.723 of 2013 in O.S.No.150 of 2013 on the file of the learned District Munsif at Madurantakam, Kancheepuram District.

2. The learned counsel for the revision petitioners would submit that the petitioners have filed an application in I.A. No.723 of 2013 along with the suit in O.S. No.150 of 2013 for the relief of interim injunction till the disposal of the suit. The Court below has closed the said application by order dated 21.01.2016 with an endorsement that *“No representation, this I.A. is pending more than 2 years. Hence, subject to the result of the suit, this petition is closed”*. Aggrieved by the said order, the revision petitioners have filed an application in I.A.No.901 of 2016 under Section 151 of the Code of Civil Procedure, to reopen the I.A. No.723 of 2013 in O.S.No.150 of 2013 and the same is dismissed by the Court below by order dated 04.03.2017. Therefore, the petitioners have preferred the present Civil Revision Petition before this Court.

3. According to the learned counsel for the petitioners, the application in I.A. No.723 of 2013 is pending for more than two years, but it was closed on the date, when there is no representation on behalf the petitioners. Therefore, the order passed by the Court below is *per se* illegal and the same is unsustainable.

4. I have considered the submissions made by the learned counsel for the petitioners and perused the materials available on record.

5. When the petitioners have not appeared before the Court below on the hearing date, the aforesaid application has been closed by the Court below. Therefore, this Court is not inclined to entertain the Civil Revision Petition. However, it is open to the petitioners to file appropriate application before the Court below, if so advised.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/ No

Internet: Yes/No

Speaking Order/Non Speaking Order

RKP

D. KRISHNAKUMAR J.,

RKP

To

The District Munsif Court,
Madurantakam,
Kancheepuram District.



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