

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2018

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(P.D).No.1202 of 2012
and
M.P.No.1 of 2012

- 1.Nallusamy,
S/o.Varadharaju Naidu,
No.31, 32, Iranian Street,
Lakshmi Nagar,
Solar,
Erode Taluk & District.
- 2.N.Ramesh,
S/o.Nallusamy,
No.31, 32, Iranian Street,
Lakshmi Nagar,
Solar,
Erode Taluk & District. ... Petitioners

-VS-

- 1.Ravichandran,
S/o.Sedhuraman,
No.46, Telecom City,
SangodampalayamThidan (Post),
Erode Taluk & District.

- 2.Rajeswari,
W/o.Ravichandran,
No.46, Telecom City,
Sangodampalayam Thidan (Post),
Erode Taluk & District.

- 3.Subramanian,
S/o.Sedhumadhavan,
No.17, 4th Main Road,
Purusothaman Nagar,
Chennai.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against to set aside the fair and final order dated 19.01.2012 passed in C.M.A.No.24 of 2011 on the file of I Additional Sub Court, Erode reversing the Fair and Final Order dated 02.08.2011 passed in I.A.No.582 of 2011 in O.S.No.350 of 2011 on the file of I Additional District Munsif Court, Erode.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.N.Ramesh for R1 & R2
Not ready in notice regarding R3

ORDER

The Civil Revision Petition has filed challenging the order of the I Additional District Munsif Court, Erode in allowing the appeal filed by the respondents herein challenging the order of interim injunction granted to the revision petitioner passed in I.A.No.582 of 2011 in O.S.No.350 of 2011 by the I Additional District Munsif Court, Erode.

2. Mr.S.Kaithamalai Kumaran, learned Counsel appearing on behalf of the petitioners would submit that the respondents did not have the benefit of the suspension of the interim order passed in the Civil Miscellaneous Appeal No.24 of 2011 dated 19.01.2012 by I Additional District Munsif Court, Erode and in the instant Civil Revision Petition, an order of interim injunction was granted by this Court by an order dated 26.04.2012. Though the injunction was granted till 06.06.2012 however considering the fact that the respondent has not taken any steps to oppose the interim order,

this Court deems it fit to allow the revision and restore the order passed in I.A.No.582 of 2011 in O.S.No.350 of 2011, dated 02.08.2011 and set aside the order passed in C.M.A.No.24 of 2011, dated 19.01.2012.

3. The learned Counsel for the petitioners would further submitted that the suit in O.S.No.350 of 2011 has now been transferred to the file of the I Additional District Munsif Court, Erode and re-numbered as O.S.No.10 of 2012. This submission is recorded.

4. In the result, the Civil Revision Petition is allowed and consequently, the Miscellaneous Petition No.1 of 2012 is closed. There shall be no order as to costs.

सत्यमेव जयते

31.10.2018

Index : Yes/No

Speaking/non-speaking order

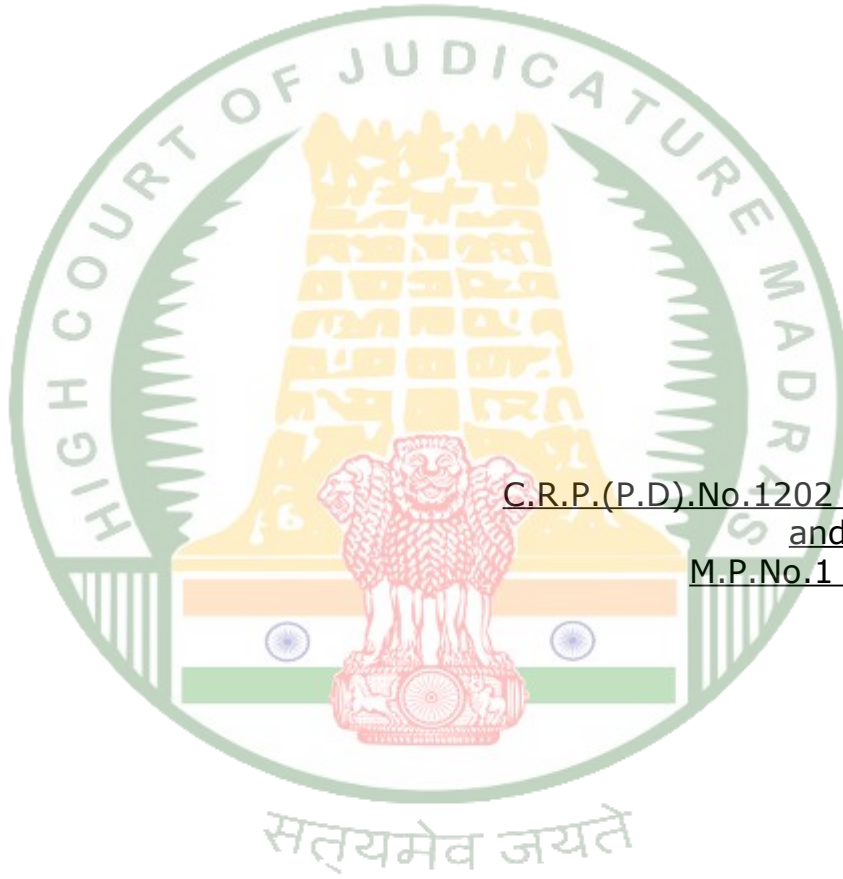
tta/arb

To

I Additional District Munsif Court,
Erode.

P.T. ASHA.J

tta/arb



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and
M.P.No.1 of 2012

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