

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1160 of 2015 and
M.P.No.1 of 2015

1.Anjinappa
2.Arjun

.. Petitioners

Vs.

Murugesan

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the judgment and decree dated 10.10.2013 made in C.M.A.No.3 of 2013 on the file of the Subordinate Court, Hosur, in reversing the fair and decretal order dated 13.03.2013 made in I.A.No.603 of 2012 in O.S.No.166 of 2012 on the file of the District Munsif cum Judicial Magistrate No.I, Hosur.

For Petitioners : Mr. P.Mani

For Respondent : M/S.D.Chitra Maragatham

ORDER

The Civil Revision Petition is filed against the judgment and decree dated 10.10.2013 made in C.M.A.No.3 of 2013 on the file of the Subordinate Court, Hosur, in reversing the fair and decretal order dated 13.03.2013 made in I.A.No.603 of 2012 in O.S.No.166 of 2012 on the file of the District Munsif cum Judicial Magistrate No.I, Hosur.

2. Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

3. The petitioners are the defendants 1 and 2 and respondent is plaintiff in O.S.No.166 of 2012 on the file of the District Munsif cum Judicial Magistrate No.I, Hosur. The respondent filed the said suit for declaration and permanent injunction. Along with the suit, the respondent filed I.A.No.603 of 2012 under Order XXXIX Rule 1 C.P.C. for interim injunction. Initially, interim injunction was granted. The petitioner filed counter affidavit and after contest, the said application was dismissed. Against the said order of dismissal dated 13.03.2013 made in I.A.No.603 of 2012, the respondent filed C.M.A.No.3 of 2013 on the file of the Subordinate Court, Hosur.

The learned Appellate Authority allowed the application granting interim injunction pending suit.

4. Against the said judgment and decree dated 10.10.2013 made in C.M.A.No.3 of 2013, the present Civil Revision Petition is filed by the petitioners.

5. Considering the fact that the suit is for declaration and injunction and the same is of the year 2012 and interim injunction is in force from 10.10.2013, the Civil Revision Petition is disposed of, without deciding the same on merits, directing the learned Judge to dispose of the suit in O.S.No.166 of 2012 as expeditiously as possible in any event not later than four months from the date of receipt of a copy of this order. Till such time, interim injunction granted by the learned Appellate Authority shall be in force. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No

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V.M.VELUMANI,J.

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To

The District Munsif cum Judicial Magistrate No.1
Hosur.



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