

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.903 of 2015
and M.P.No.1 of 2015

V.Rajendran

.. Petitioner

Vs.

J.Narayani

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the judgment and decree dated 13.01.2015 made in C.M.A.No.99 of 2013 on the file of the XV Additional Judge, City Civil Court, Chennai, reversing the fair and decretal order dated 20.03.2013 made in I.A.No.16945 of 2012 in O.S.No.6990 of 2012 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.S.Gopalaratnam

For Respondent : Mr.V.Chandrakhantan

ORDER

The Civil Revision Petition is filed against the judgment and decree dated 13.01.2015 made in C.M.A.No.99 of 2013 on the file

of the XV Additional Judge, City Civil Court, Chennai, reversing the fair and decretal order dated 20.03.2013 made in I.A.No.16945 of 2012 in O.S.No.6990 of 2012 on the file of the XVIII Assistant City Civil Court, Chennai.

2. The petitioner is plaintiff and respondent is defendant in O.S.No.6990 of 2012 on the file of the XVIII Assistant City Civil Court, Chennai. The petitioner filed said suit for permanent injunction restraining the respondent from interfering, obstructing and preventing the petitioner, the office bearers, Battachaaryas and the poojaris from performing their functions and duties as required day to day in the suit temple. The petitioner also filed I.A.No.16945 of 2012 for interim injunction pending suit. Pending suit, the trial Court granted interim injunction after contest. Challenging the said order, the respondent filed C.M.A.No.99 of 2013 on the file of the XV Additional Judge, City Civil Court, Chennai. The learned Appellate Judge allowed the C.M.A.

3. Against the said judgment and decree dated 13.01.2015 made in C.M.A.No.99 of 2013, the present Civil Revision Petition is filed by the petitioner/plaintiff.

4. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

5. From the materials available on record, it is seen that the petitioner has filed suit for permanent injunction and pending suit, the petitioner sought for interim injunction. In view of the fact that the relief sought for in the suit is for permanent injunction, without deciding the issue in the Civil Revision Petition on merits that whether the petitioner is entitled to injunction pending suit or not, the Civil Revision Petition is disposed of directing the learned XVIII Assistant Judge, City Civil Court, Chennai, to dispose the suit O.S.No.6990 of 2012 within a period of two months from the date of receipt of a copy of this order. The parties are directed to maintain status-quo as on today till the disposal of the suit. No costs. Consequently, connected Miscellaneous Petition is closed.

18.01.2018

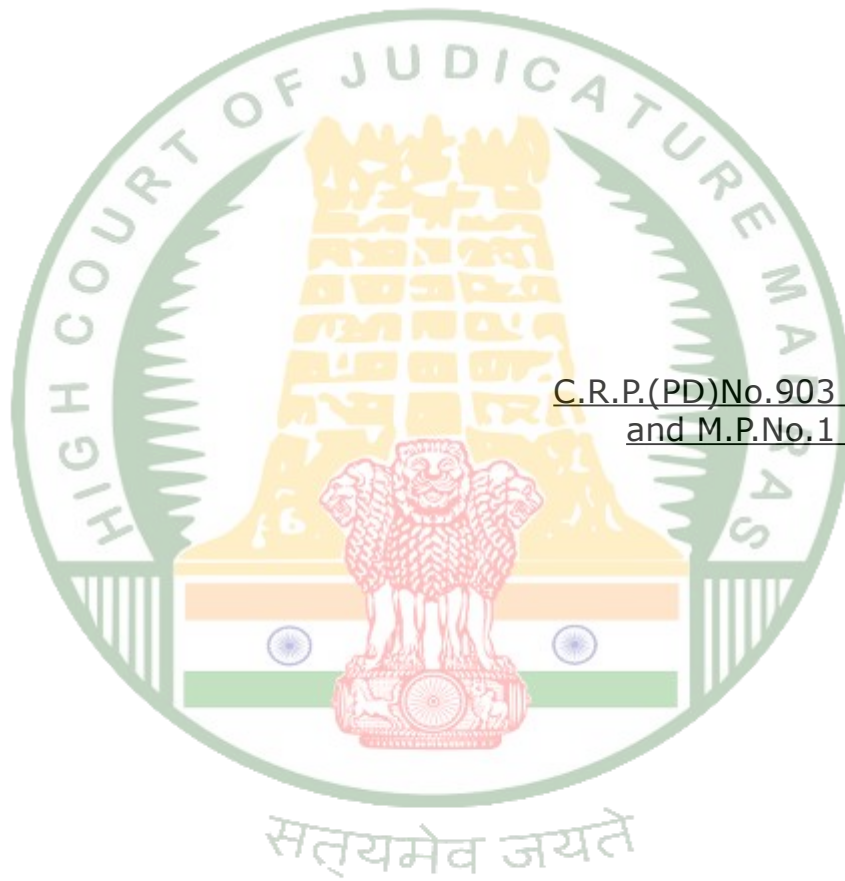
Index : Yes/No
kj

To

- 1.XV Additional Judge, City Civil Court, Chennai.
- 2.XVIII Assistant Judge, City Civil Court, Chennai.

V.M.VELUMANI, J.

kj



C.R.P.(PD)No.903 of 2015
and M.P.No.1 of 2015

18.01.2018

WEB COPY