

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2018

Coram:

The HONOURABLE MS. JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4187 of 2013
and M.P.No.1 of 2013

K.S.Kuppusamy

.. Petitioner

Vs.

C.Thangamuthu

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 07.06.2013 made in C.M.A.No.10 of 2013 on the file of the I Additional District Court, Erode, reversing the fair and decretal order dated 22.08.2012 made in I.A.No.317 of 2012 in O.S.No.55 of 2012 on the file of the Subordinate Court, Perunthurai.

For Petitioner : M/S.Sripriya
for Mr.Raghavachari
For Respondent : Mr.V.S.Kesavan

ORDER

The Civil Revision Petition is filed against the judgment and decree dated 07.06.2013 made in C.M.A.No.10 of 2013 on the file of the I Additional District Court, Erode, reversing the fair and decretal order dated 22.08.2012 made in I.A.No.317 of 2012 in O.S.No.55 of 2012 on the file of the Subordinate Court, Perunthurai.

2. The petitioner is plaintiff and respondent is defendant in O.S.No.55 of 2012 on the file of the Subordinate Court, Perunthurai. The petitioner filed the said suit for declaration and permanent injunction. Pending suit, the petitioner filed I.A.No.317 of 2012 under Order XXXIX Rule 1 and 2 and Section 151 C.P.C. for interim injunction. The trial Court granted interim injunction after contest. Challenging the order dated 22.08.2012 made in I.A.No.317 of 2012, the respondent filed C.M.A.No.10 of 2013. The learned Appellate Authority allowed the appeal and dismissed the application for injunction. Against the said judgment and decree dated 07.06.2013 made in C.M.A.No.10 of 2013, the present Civil Revision Petition is filed by the petitioner.

3. From the materials available on record, it is seen that from the year 2012, there is no interim order. The petitioner filed the suit for declaration and injunction in the year 2012. Considering the above facts, without deciding the issue on merits, the learned Judge is directed to dispose of the suit in O.S.No.55 of 2012 as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order, without being influenced by the order passed in I.A.No.317 of 2012 and judgment in C.M.A.No.10 of 2013.

4. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

01.02.2018

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To

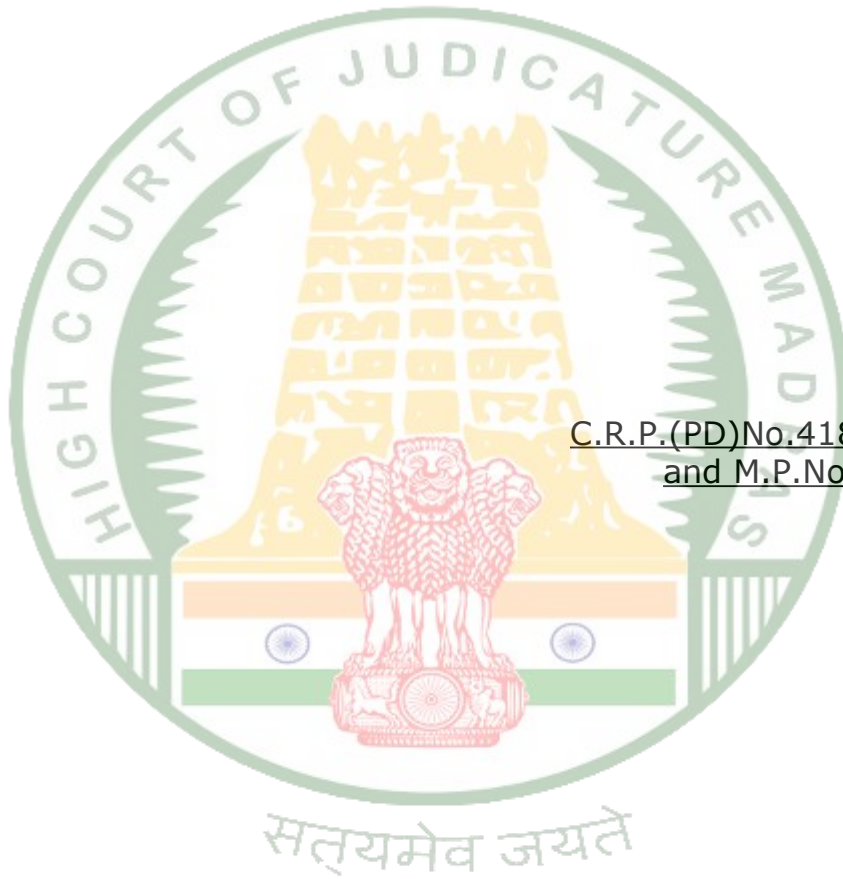
1.The 1st Additional District Judge
Erode.

2.The Subordinate Judge
Perunthurai.

सत्यमेव जयते
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V.M.VELUMANI,J.

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