



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2018

CORAM

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(MD)No.857 of 2018(NPD) and
C.M.P.(MD)No.3746 of 2018

A.Balachandran ... Petitioner/Petitioner/Plaintiff

Vs.

Devi ... Respondent/Respondent/Defendant

Prayer: Civil Revision petition is filed under Section 115 of Civil Procedure Code, to allow the Civil Revision and set aside the order passed in I.A.No.397 of 2016 in O.S.No.126 of 2016, dated 06.11.2017 on the file of the learned Subordinate Judge, Aruppukottai.

For Petitioner : Mr.C.S.Ravichandran

O R D E R

This Civil Revision petition arises out of the order passed in I.A.No.397 of 2016 in O.S.No.126 of 2016, dated 06.11.2017 on the file of the learned Subordinate Judge, Aruppukottai.

2. Heard the learned counsel appearing for the petitioner.

3. The Revision petitioner is the plaintiff in the suit in O.S.No.126 of 2016 on the file of the Subordinate Court, Aruppukottai. Pending suit, the petitioner filed an application in I.A.No.397 of 2016 for interim injunction. The trial Court dismissed the said application on 06.11.2017. Challenging the said order, the present Civil Revision petition has been filed.

4. Admittedly, against the order passed under Order 39 Rule 1 and 2, and Section 151, C.P.C., there is an appeal provision before the appellate forum. However, without approaching the appellate forum, the petitioner has filed the present Revision petition. Hence, the Civil Revision petition is dismissed as not maintainable. However, the petitioner is given liberty to file an appeal before the appellate Court concerned within a period of one week from the date of receipt of a copy of this order. No costs.



Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

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/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Aruppukottai.

2. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr. C.S. Ravichandran, Advocate in SR No. 62086

pmu

AE/JC/SAR1/07.05.2018/2P/5C

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