



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD) . (MD) .No.1564 of 2015

and

M.P. (MD) Nos.2 and 3 of 2015

Mani

.. Petitioner/Defendant

Vs.

ST.Adithan @ Rajesh

..Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 07.07.2015, passed in I.A.No.466 of 2015 in O.S.No.95 of 2015 on the file of the District Munsif Court, Tiruchendur.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.R.J.Karthick

O R D E R

The Civil Revision Petition has been preferred to set aside the fair and decretal order dated 07.07.2015, passed in I.A.No.466 of 2015 in O.S.No.95 of 2015 on the file of the District Munsif Court, Tiruchendur.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3.The petitioner, who is the plaintiff in the suit, filed an application in I.A.No.466 of 2015, in which the learned District Munsif, Tiruchendur has granted an order of exparte injunction. Challenging the same, the present Civil Revision Petition (MD). No.1564 of 2015 has been filed by the petitioner/defendant in O.S.No.95 of 2015.

4.Considering the fact that the interim injunction granted in I.A.No.466 of 2015 is an exparte order, the learned District Munsif, Tiruchendur is directed to dispose of the said I.A, by passing appropriate orders, on merits, by giving an opportunity to



both the parties, within a period of one month from the date of receipt of a copy of this order. The learned Trial Judge is directed to pass orders, without being influenced by the exparte order passed in I.A.No.466 of 2015 and without considering the police protection order passed by this court in C.R.P.(MD).No.2266 of 2016, dated 24.04.2018. After passing orders in I.A.No.466 of 2015, the learned District Munsif, Tiruchendur is directed to dispose of the suit in O.S.No.95 of 2015, pending on his file, within a period of two months thereafter.

5. In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif,
Tiruchendur.

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

+ 1 cc TO Mr.G.Prabhu Rajadurai , Advocate in SR No. 63337

vs

AE/SV MMS/SAR2/29.05.2018/2P/5C

CRP (MD) .No.1564 of 2015
24.04.2018