



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .No.1708 of 2015 and
MP (MD) .No. 1 of 2015

K. Dayanithi

... Petitioner

Vs.

M.Chinnachamy

... Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 18.06.2015 passed in I.A.No.141 of 2015 in O.S.No.161 of 2015 on the file of the learned Principal District Munsif, Dindigul.

For Petitioner : Mr.J.Lawrence

ORDER

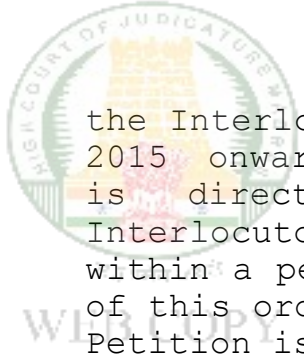
The petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India against the fair and decreetal order dated, 18.06.2015 passed in I.A.No.141 of 2015 in O.S.No.161 of 2015, on the file of the learned Principal District Munsif, Dindigul.

2. Heard the learned counsel appearing for the petitioner.

3. The respondent, who is the plaintiff, has filed an Application in I.A.No. 141 of 2015 along with a suit in O.S.No.161 of 2015, on the file of the learned Principal District Munsif, Dindigul and in the said Interlocutory Application, interim injunction was granted. Challenging the same, the revision petitioner has filed the present Civil Revision Petition.

4. Since there is an Appeal remedy available against the said interim order passed in I.A.No. 141 of 2015, under Order 39 Rule 1 and 2 CPC, this Civil Revision Petition is not absolutely maintainable. Further, it is represented by the petitioner's counsel that the petitioner died. Hence, the Civil Revision Petition is not maintainable before this Court.

5. Accordingly, this Civil Revision Petition is dismissed. The legal heirs of the revision petitioner are given a liberty to file an appropriate Application before the concerned Court. Since



the Interlocutory Application in I.A.No. 141 of 2015 is pending from 2015 onwards, the learned Principal District Munsif, Dindigul, is directed to dispose of the suit as well as the Interlocutory Application, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif, Dindigul.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 68110

TRP

TE/PN/SAR-4 : 04/07/2018 : 2P/3C

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