



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:13.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD) (MD) .No.1857 of 2015
and
M.P(MD) .No.1 of 2015

Anna Perumayee ... Petitioner/Petitioner/1st Defendant

Vs.

1.Jeya
2.Durai Sakkradees
3.Elangovan
4.Elamaran

...Respondents/Appellants/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair order dated 27.04.2015 made in C.M.A.No.3 of 2015 on the file of the III Additional Sub Court, Madurai (Sub Court, Usilampatti Camp) and to confirm the order made in I.A.No.678 of 2014 in O.S.No.214 of 2014 on the file of the District Munsif Cum Judicial Magistrate Court, Usilampatti.

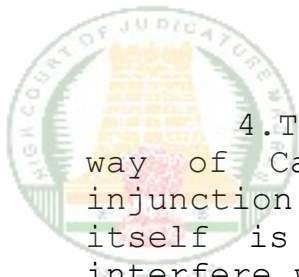
For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.T.R.Jeyapalam

O R D E R

The first defendant had filed this Civil Revision Petition challenging the order of injunction granted by the learned III Additional Sub Court (Sub Court, Usilampatti Camp), Madurai in C.M.A.No.3 of 2015 against the order of dismissal in I.A.No.678 of 2014 in O.S.No.214 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate Court, Usilampatti.

2.The respondents/plaintiffs have filed I.A.No.678 of 2014 for seeking the relief of temporary injunction and the same was dismissed by the learned District Munsif Cum Judicial Magistrate, Usilampatti on 29.10.2014. Aggrieved over the same, the respondents have filed C.M.A.No.3 of 2015 before the learned III Additional Sub Court (Sub Court, Usilampatti Camp), Madurai. The learned Subordinate Judge considered the case of the respondents by setting aside the order in I.A.No.678 of 2014 and granted interim injunction till the disposal of the suit in O.S.No.214 of 2014 by an order dated 27.04.2015. Challenging the same, the present Civil Revision Petition has been filed by the petitioner/1st defendant.

3.Heard the learned counsel appearing for the petitioner and the respondents and perused the documents available on record.



4.The respondents herein had entered appearance through by way of Caveat. Though the appellate Court has considered the injunction application filed by the respondents, since the suit itself is for bare injunction, this Court is not inclined to interfere with the order passed by the Appellate Court in C.M.A.No.3 of 2015. Therefore, the order passed by the learned III Additional Subordinate Judge (Sub Court, Usilampatti Camp), Madurai in C.M.A.No.3 of 2015, dated 27.04.2015 is hereby confirmed.

5. The learned District Munsif Cum Judicial Magistrate, Usilampatti is directed to dispose the suit in O.S.No.214 of 2014 within a period of three months from the date of receipt of a copy of this order without influencing any averments made in the order in C.M.A.No.3 of 2015 and in I.A.No.678 of 2014 and to pass appropriate Judgment without giving any adjournment to either parties. Both the parties should give their fullest co-operation for early disposal as per direction given by this Court in this Civil Revision Petition.

6.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The III Additional Sub Court
(Sub Court, Usilampatti Camp),
Madurai.

2.The District Munsif Cum Judicial Magistrate,
Usilampatti

3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.G.Radhakrishnan, Advocate SR.No. 61201

+1cc to M/S.T.R.Jeyapalam, Advocate SR.No. 61503

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