



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

C.R.P. (PD) (MD) No.956 of 2018  
and  
C.M.P. (MD) .No.4218 of 2018

1. B.Ravi  
2. R.Manimegalai  
3. R.Prakashraj  
4.R.Janaki ... Petitioners/Respondents/Defendatns 1 to 4

Vs.

1. B.Subbulakshmi  
2. B.Sumathi  
3. R.Kanchana  
4. N.Selvaraj ... Respondents/Petitioners/Plaintiffs

**PRAYER:** The Civil Revision Petition is filed under Article 227 of the Constitution of India against I.A.No.245 of 2018 in O.S.No.222 of 2018 filed by the respondents/plaintiffs before the Principal District Munsif Court, Madurai and to struck off the same from the file.

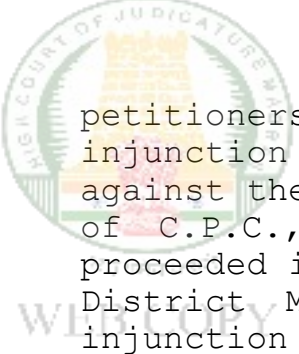
For Petitioners : Mrs.K.Abiya

### **ORDER**

The Civil Revision Petition is filed to struck off the petition in I.A.No.245 of 2018 in O.S.No.222 of 2018 on the file of Principal District Munsif Court, Madurai.

2. The petitioners are the defendants in O.S.No.222 of 2018 on the file of the Additional District Munsif Court, Madurai. Challenging the order of injunction passed in I.A.No.245 of 2018, which was filed under Order 39 Rule 1 and 2 and Section 151 of C.P.C., the petitioners have filed the Civil Revision Petition by invoking the jurisdiction under Article 227 of the Constitution of India.

3. The very approach of the petitioner is totally wrong, since there is an appeal provision for challenging the order before the appellate Court. Without resorting to the appeal provision, the petitioners have approached this Court by filing the revision petition. Therefore, this Court is not inclined to entertain the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed as not maintainable before this Court. However, the



petitioners are directed to file their counter or file their vacate injunction petition before the very same Court or file an appeal against the order passed under Order 39 Rule 1 and 2 and Section 151 of C.P.C., before the appellate forum. If the petitioners are proceeded in I.A.No.245 of 2018 before the same Court, the Principal District Munsif Court, Madurai is directed to dispose of the injunction application within a period of 15 days from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif Court,  
Madurai.

+1cc to Mrs.K.Abiya, Advocate in SR.NO.64275

C.R.P. (PD) (MD) No.956 of 2018  
27.04.2018

AKV  
RAM/SV MMS/SAR 4/30.05.2018/2P/3C