



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1372 of 2018

and

C.M.P. (MD) No.5930 of 2018

1.Vinju.Co.Rajaram, S/o.Gopalayyer

2.Vinju.Co.Naganathan, S/o.Gopalayyer

... Petitioners

Vs.

1.Giri.R.Vasanthi

2.Kettalu K.B.Vasumathi

3.Vanaja, W/o.Late.Amarnath

... Respondents

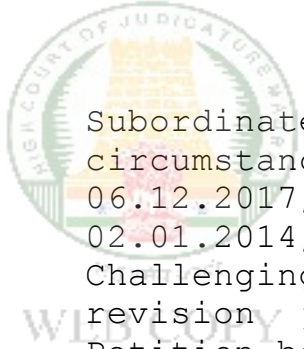
Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to set aside the order dated 06.12.2017, passed in C.M.A.No.3 of 2014 by the learned Subordinate Judge, Paramakudi, confirming the order dated 02.01.2014, passed in I.A.No.891 of 2013 in O.S.No.114 of 2013, by the learned District Munsif, Paramakudi.

For Petitioners : Mr.V.P.Rajan

ORDER

The petitioners have filed the present Civil Revision Petition invoking Article 227 of the Constitution of India, seeking to set aside the judgment and decree dated 06.12.2017, passed in C.M.A.No.3 of 2014, by the learned Subordinate Judge, Paramakudi, confirming the order dated 02.01.2014, passed in I.A.No.891 of 2013 in O.S.No.114 of 2013, by the learned District Munsif, Paramakudi.

2.The revision petitioners are the plaintiffs and the respondents are the defendants 1 to 3 in the suit in O.S.No.114 of 2013 on the file of the District Munsif Court, Paramakudi. The revision petitioners have filed the suit for declaration, recovery of possession and for other reliefs. In the said suit, the revision petitioners have also filed an Interlocutory Application in I.A.No.891 of 2013 under Order 39 Rules 1 and 2 of C.P.C., seeking temporary injunction, which was partly allowed by the learned District Munsif, Paramakudi, on 02.01.2014. Aggrieved over the same, the revision petitioners have filed C.M.A.No.3 of 2014 before the Subordinate Court, Paramakudi. The learned



Subordinate Judge, Paramakudi, after considering facts and circumstances of the case, by judgment and decree dated 06.12.2017, dismissed the appeal, confirming the order dated 02.01.2014, passed by the learned District Munsif, Paramakudi. Challenging the said judgment and decree dated 06.12.2017, the revision petitioners have filed the present Civil Revision Petition before this Court.

3. Heard the learned counsel appearing for the revision petitioners.

4. Admittedly, the revision petitioners have filed the suit in the year 2013 and I.A.No.891 of 2013, which was filed by the revision petitioners, was partly allowed on 02.01.2014. The Civil Miscellaneous Appeal in C.M.A.No.3 of 2014 filed by the revision petitioners against the said order was dismissed in the year 2017. Therefore, without going into the merits of the order and the judgment and decree passed in I.A.No.891 of 2013 and C.M.A.No.3 of 2014 respectively, I am inclined to pass the following order:-

(1) This Civil Revision Petition is dismissed, by confirming the judgment and decree and the order dated 06.12.2017 and 02.01.2014, passed in C.M.A.No.3 of 2014 and I.A.No.891 of 2013, respectively. No costs.

(2) The learned District Munsif, Paramakudi, is directed to dispose of the suit in O.S.No.114 of 2013 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, without being influenced by any of the observations made in I.A.No.891 of 2013 and C.M.A.No.3 of 2014.

Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Paramakudi.
2. The District Munsif, Paramakudi.

+ 1 cc TO Mr.V.P.Rajan , Advocate in SR No. 71603

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AE/SV/SAR3/17.07.2018/2P/4C

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