



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1085 of 2016
and
C.M.P. (MD) No.5404 of 2016

C.Annapoorani ...Petitioner / Respondent / Defendant

-vs-

Beema Banu ...Respondent / Petitioner / Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the docket order passed in I.A.No.182 of 2016 and in O.S.No.57 of 2016 dated 27.04.2016 on the file of the Sub-Court, Tirunelveli.

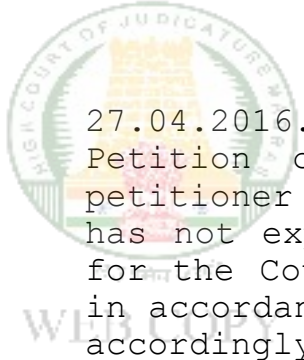
For Petitioner : Mr.H.Arumugam
For Respondent : Mr.M.P.Senthil

ORDER

The defendant in O.S.No.57 of 2016 on the file of the Sub Court, Tirunelveli is the revision petitioner herein. The said suit was filed by the respondent herein seeking the relief of partition. Pending suit, I.A.No.182 of 2016 was filed by the respondent herein seeking the relief of injunction.

2.The said application was filed on 06.04.2016. On 15.04.2016, the revision petitioner herein entered appearance and when the matter was taken up on the next hearing date, it was reported that construction work has already been completed. Thereafter, the matter was adjourned and the Court below passed an order restraining the revision petitioner herein from making further construction in the scheduled property till the disposal of the application. This order is questioned in this Civil Revision Petition. This Court is of the view that the matter can be remitted to the file of the Court below to thrash out the issue.

3.It is seen that the Court below passed the order impugned in this Civil Revision Petition only because of the revision petitioner's counsel sought time to get along with the enquiry on



27.04.2016. Therefore, the order impugned in this Civil Revision Petition cannot be disturbed. It is open to the revision petitioner to apply for vacating the said interim order. This Court has not expressed any opinion on the merits of the matter. It is for the Court below to dispose of I.A.No.182 of 2016 on merits and in accordance with law. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar(CS-I)

To:

The Subordinate Judge, Tirunelveli.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.H.ARUMUGAM, Advocate, SR.No.81063
+1cc to Mr.M.P.SENTHIL, Advocate, SR.No.81031

C.R.P. (PD) (MD) No.1085 of 2016
and
C.M.P. (MD) No.5404 of 2016
29.08.2018

TA
KK/SKN/SAR-1/04.10.2018/2P-6C