



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD).No.1359 of 2016

S.K.Ravichandran

... Revision Petitioner

Vs.

1.S.M.Krishnasamy Raja

2.T.V.Kandasamy Raja

... Respondents

(R1 died)

PRAYER : Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition with costs by setting aside the order in unnumbered C.M.A., in diary No.1342 of 2016 on the file of Principal District Court, Virudhunagar District at Srivilliputhur filed against order in I.A.No.182/2007 in I.A.No.302 of 2006 in O.S.No.105 of 2006 dated 22.12.2015 on the file of Sub Court, Srivilliputhur, Consequently number the C.M.A., taken on file.

For petitioner : Mr.A.Sivaji

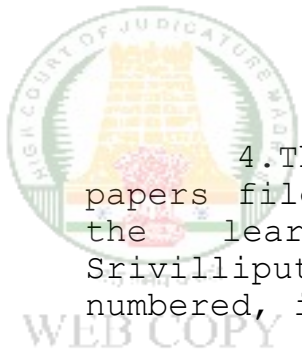
For R2 : Mr.K.Sudalayandi

ORDER

The revision petitioner is the plaintiff in O.S.No.105 of 2006 on the file of the Sub Court, Srivilliputhur. An injunction order was granted in his favour. Complaining that the injunction order has been violated, he filed I.A.No.182 of 2007 under Order 39 Rule 2(A) of CPC. The said I.A., was dismissed. Questioning the same, the revision petitioner preferred a C.M.A., before the Principal District Judge, Virudhunagar at Srivilliputhur. The lower Appellate Court has declined to number the said C.M.A., and returned the same. Questioning the same, this Civil Revision Petition has been filed.

2.Any order passed under Order 39 Rule 2(A) of CPC is appealable. Therefore, C.M.A., was rightly filed.

<https://hcservices.ecourts.gov.in/hcservices/>
Accordingly, this Civil Revision Petition is allowed. No costs.



4. The registry is directed to return the original C.M.A., papers filed by the revision petitioner for re-representation before the learned Principal District Judge, Virudhunagar at Srivilliputhur. Upon such representation, the C.M.A., shall be numbered, if it is otherwise in order and disposed of expeditiously.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. Principal District Judge,
Virudhunagar at Srivilliputhur.

2. The Subordinate Judge, Srivilliputhur.

3. The Record Keeper,
ER Section,
Madurai Bench of Madras High Court,
Madurai. (As directed, for returning certified CMA., papers)

+1CC to Mr. A. Sivaji, Advocate, SR.No.82319

+1CC to Mr. K. Sudalayandi, Advocate, SR.No.82358

ORDER MADE IN
C.R.P. (PD) (MD) .No.1359 of 2016
05.09.2018

PNN

ES/PM/SAR 1/26.10.2018/2P/6C