



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1390 of 2016

and

C.M.P. (MD) .Nos.6733 and 6734 of 2016

1.S.Manicka Prabu
2.S.Radha
3.K.Malathi
4.S.Madhumathi

.. Petitioners/Respondents/
Judgment Debtors

vs.

M.Rajagopal

.. Respondent/Petitioner/
Decree Holder

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.06.2016 made in E.P.No.1 of 2010 in O.S.No.840 of 1995 on the file of the Principal District Munsif-cum-Judicial Magistrate, Lalgudi.

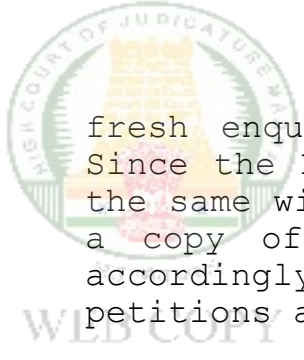
For Petitioners : Mr.J.Maria Roseline
For Respondent : Mr.M.R.Sreenivasan
for Mr.R.Nanda Kumar

ORDER

The legal representatives of the first defendant in O.S.No.840 of 1995 on the file of the District Munsif Court, Lalgudi are the revision petitioners herein. It was a suit for injunction. An exparte decree came to be passed and it has become final. Alleging that the revision petitioners have violated the said injunction decree E.P.No.1 of 2010 came to be filed. Order of arrest was also made. Challenging the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. As rightly pointed by the learned counsel for the petitioners, the executing Court has not recorded the finding that the decree has been breached. On this sole ground, the order impugned in this Civil Revision Petition is set aside and the matter is remitted back to the file of the executing Court for conducting a



fresh enquiry and disposing of the same in accordance with law. Since the EP is of the year 2010, the Court below shall dispose of the same within a period of three months from the date of receipt of a copy of this order. This Civil Revision Petition is allowed accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Joint Registrar (Judicial)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif-cum-
Judicial Magistrate, Lalgudi.

+ 1 CC TO Mr.R.NANDAKUMAR, ADVOCATE IN SR No. 86535
+ 1 CC TO M/s.J.MARIA ROSELINE, ADVOCATE IN SR No. 86043

PJL
TE/VB/RSK/SAR-1 : 22/10/2018 : 2P/4C

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