



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1719 of 2016 (PD)

and

CMP (MD) Nos.8366 & 8367 of 2016

K.P.Karuppaiah

... Revision Petitioner/
Petitioner/Plaintiff

Vs.

1.M/s.Veerapandi Kallar Society,
rep.by its President.

2.M/s.Veerapandi Kallar Society,
rep.by its Secretary.

3.M/s.Veerapandi Kallar Society,
Rep.by its Treasurer,
Government Higher Secondary School
Street, Veerapandi Village,
Theni Taluk, Theni District.

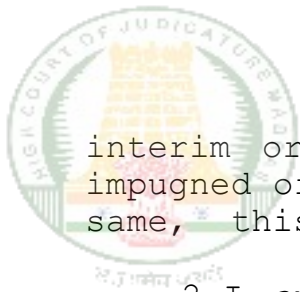
... Respondents/Respondents/
Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the petition order dated 12.08.2016 in I.A No.463 of 2015 in O.S No.125 of 2015 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : No appearance

ORDER

The plaintiff in O.S No.125 of 2015 on the file of the District Munsif Court, Theni is the revision petitioner herein. The suit is one for permanent injunction. In the said suit, an interim order was initially granted in favour of the revision petitioner. It was being extended from time to time. On 12.08.2016, there was a boycott by the lawyers. Therefore, the revision petitioner appeared in person and sought for extension of



interim order by filing a memo. But, the court below by the impugned order dated 12.08.2016 refused to do so. Questioning the same, this revision petition has been filed.

2.I am of the view that the court below considering the facts and circumstances of the case ought to have extended the interim order. This is all the more so because on the said date, the petitioner was present whereas the respondents were absent. In fact, there was no representation on the side of the respondent. Therefore, the order impugned in this civil revision petition is set aside. The interim order already granted in favour of the revision petitioner by the court below is restored.

3.The court below shall dispose of I.A No.463 of 2015 on merits and in accordance with law after hearing both the parties. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The District Munsif, Theni.

+1 CC To MR.B.RAJESH SARAVANAN, Advocate SR. NO. 82546

CRP (MD) No.1719 of 2016 (PD)
and
CMP (MD) No.8366 & 8367 of 2016
05.09.2018

SKM

TR/SV/SAR-I(10.10.2018)2P 3C