



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(MD) .No.2266 of 2016
and
C.M.P. (MD) No.10466 of 2016

S.T.Adithyan

.. Petitioner/plaintiff

Vs.

A.Mani

..Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decretal order dated 17.02.2016, passed in I.A.No.662 of 2015 in I.A.No.466 of 2015 in O.S.No.95 of 2015 on the file of the District Munsif Court, Tiruchendur and set aside the same as illegal.

For Petitioner : No appearance

For Respondent : Mr.R.J.Karthick

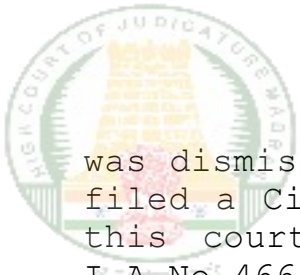
O R D E R

The Civil Revision Petition has been preferred to set aside the fair and decretal order dated 17.02.2016, passed in I.A.No.662 of 2015 in I.A.No.466 of 2015 in O.S.No.95 of 2015 on the file of the District Munsif Court, Tiruchendur.

2.Heard the learned counsel for the respondent and perused the materials available on record.

3.The petitioner, who is the plaintiff in the suit, originally filed an application in I.A.No.466 of 2015, in which the learned District Munsif, Tiruchendur has granted an order of exparte injunction.

4.After passing the exparte injunction order, the respondent/defendant is disturbing the possession of the petitioner. Therefore, he filed the present application in I.A.No.662 of 2015, seeking police protection. That application



was dismissed on the ground that the respondent, as petitioner has filed a Civil Revision Petition C.R.P.(MD).No.1564 of 2015 before this court, challenging the exparte injunction order passed in I.A.No.466 of 2015 and it is pending. Challenging the said dismissal order, the present Civil Revision Petition (MD). No.2266 of 2016 has been filed by the petitioner/plaintiff in O.S.No.95 of 2015.

5.Admittedly, an exparte injunction was granted and the same is in force as on date. Therefore, the application filed by the petitioner in I.A.No.662 of 2015, seeking police protection should be considered by the learned Trial Judge. But the said application was dismissed on the simple ground that the original exparte injunction order was challenged by the defendant in C.R.P. (MD).No.1564 of 2015. Since the said interim injunction order is in force as on date, the learned District Munsif, Tiruchendur is directed to pass appropriate order in I.A.No.662 of 2015, by giving police protection, within a period of one week from the date of receipt of a copy of this order.

6. In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Tiruchendur

+ 1 cc TO Mr.G.Prabhu Rajadurai , Advocate in SR No. 63341

+ 1 cc TO Mr.R.J.Karthick , Advocate in SR No. 63556

vs

AE/SV MMS/SAR2/30.05.2018/2P/4C

CRP(MD) .No.2266 of 2016

24.04.2018