



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (PD) (MD) .No.1834 of 2018

and

C.M.P. (MD) No.8026 of 2018

1.Muruganantham
2.M.Krishnaraj
3.S.P.Magnolia
4.G.Balaji
5.P.Murugaraj
6.Louis Ammal

... Petitioners/Respondents/Defendants

Vs.

S.Ramasamy

... Respondent/Petitioner/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.221 of 2018 in I.A.No.82 of 2011 in O.S.No.39 of 2011 dated 03.07.2018 on the file of the Additional District Munsif, Tuticorin.

For petitioners : Mr.KA.Raamakrishnan

ORDER

The defendants are the revision petitioners herein. The respondent herein filed a suit for bare injunction. He also took out an application in I.A.No.82 of 2011 for temporary relief. The said I.A., was closed, as the suit itself was ripe for trial. Now, I.A.No.221 of 2018 has been filed for reopening the said injunction application which was originally closed. The Court below has allowed the said reopening application. Questioning the same, this Civil Revision Petition has been filed.

2.This Court is of the view that the order permitting the reopening of the closed injunction application cannot be faulted. Once an application for relief is filed, it should be disposed of one way or the other. Closing the same on the ground that the suit is ripe for trial, is not a way to dispose of the I.A.,. Therefore, this Court does not propose to interfere with the order reopening the said closed I.A.,.

3.But then, the counsel for the revision petitioner submitted that they have already filed a Tr.O.P., before the Principal District Judge, Thoothukudi, seeking transfer of the suit proceedings itself. The said Tr.O.P., appears to be posted in the month of September, 2018.



4.It is made clear that till the Tr.O.P., is concluded, no order will be passed in I.A.No.82 of 2011.

5.With this direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

- 1.The Additional District Munsif,
Tuticorin.
- 2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (**2 copies**)

+1CC to Mr.KA.Raamakrishnan, Advocate, SR.No.80448

ORDER MADE IN
C.R.P. (PD) (MD) .No.1834 of 2018
and
C.M.P. (MD) No.8026 of 2018
27.08.2018

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ES/RP/SAR 3/18.09.2018/2P/5C