



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No. 979 of 2013

and

M.P (MD) No. 1 of 2013

M/s. Indus IND Bank Ltd.,
Represented by its Legal Executive,
Mr. Ravindran,

: Petitioner / Defendant

vs.

Shanmuga Ravi

: Respondent / Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the learned Principal District Munsif, Karur made in I.A.No.1039 of 2012 in O.S.No.413 of 2012, dated 27.02.2013.

For Petitioner : Mr. K. Marimuthu

For Respondent : Mr. S. Gokul Raj

ORDER

This Civil Revision Petition is directed against the order passed by the Principal District Munsif, Karur in I.A.No.1039 of 2012 in O.S.No.413 of 2012, dated 27.02.2013..

2. The brief facts that are necessary for the disposal of this petition are as follows:

2. The respondent herein as plaintiff filed the suit in O.S.No.413 of 2012 before the Principal District Munsif, Karur for permanent injunction restraining the defendant / respondent herein from taking away the respondent's motorcycle bearing registration No.TN-47-AB-1473, except by due process of law. In the suit, the defendant / respondent filed an interlocutory application in I.A.No.1039 of 2012 in O.S.No.413 of 2012 for dismissing the suit and to refer the matter to Arbitration, since there is an arbitration agreement between the parties. The said application was dismissed by the trial Court by holding that the relief of permanent injunction of this nature can be granted only by the Civil Court and that the relief sought for by the petitioner cannot be granted by Arbitrator. Aggrieved by the same, the above Civil Revision Petition has been filed.



3.The revision petitioner has obtained an order of interim stay before this Court staying the operation of the order passed by the lower Court. During the pendency of this petition, the matter was referred to Arbitration and the Arbitrator passed an award in Arbitral Claim Petition in A.C.P.(AD)No.127 of 2014, dated 07.05.2014. The learned Counsel for the petitioner has also produced the copy of the award dated 07.05.2014. Pursuant to the award, it is stated that the revision petitioner has filed an execution petition.

4.In such circumstances, since steps have been taken in lawful manner for recovery of money, this Court is of the view that the suit has become infructuous and the Civil Revision Petition has also become infructuous. As a result, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar(cs-iv)

To

- 1.The Principal District Munsif,
Karur.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.(2 Copies).

+1CC to Mr.K.Abiya Advocate in SR.No.72288.

+1CC to Mr.S.Gokulraj Advocate in SR.No.72458.

CMR
DS/PN/SAR-4 :23.07.2018: 2P/6C

C.R.P. (PD) (MD) No.979 of 2013
11.07.2018