

HON'BLE SRI JUSTICE N.BALAYOGI

CIVIL REVISION PETITION No.6067 of 2018

ORDER:

Learned counsel for the petitioner requested to dispose of the main revision by giving interim protection to his rights.

The contention of the petitioner is that, the Trial Court, without giving opportunity suspended the judgment and decree in O.S.No.47 of 2010 dated 28.03.2018.

The petitioner – plaintiff filed the suit in O.S.No.47 of 2010 for perpetual injunction which was decreed on 28.03.2018. Aggrieved by the same, respondent Nos.1 and 2 preferred A.S.No.14 of 2018. Pending appeal, I.A.No.232 of 2018 was filed to stay the judgment and decree in O.S.No.47 of 2010. By order dated 18.07.2018, the Appellate Court, while ordering notice, suspended the judgment and decree in O.S.No.47 of 2010 dated 28.03.2018.

It is not in dispute that the petitioner was under interim protection pending suit. Petitioner entered appearance in I.A.No.No.232 of 2018 and the said application is still pending. Since the petitioner's right is protected by way of interim injunction pending suit and, after decretal of the suit, the judgment and decree was suspended, I am of the considered view that the Civil Revision Petition can be disposed of with an opportunity to the petitioner to contest I.A.No.232 of 2018 by filing vacate petition. The order, in I.A.No.232 of 2018 in

A.S.No.14 of 2018, dated 18.07.2018, is suspended for a period of three weeks.

With the above observation, the Civil Revision Petition is disposed of. Miscellaneous petitions, if any, pending, shall stand closed.

N.BALAYOGI,J

Dt:26.10.2018
usd

