

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.7467 of 2018

ORDER:

Aggrieved by the inaction on the part of the First Appellate Court to dispose of the interim application for appointment of an Advocate Receiver during the pendency of an appeal against an interim order of injunction, the defendants in the suit have come up with the above revision.

2. Heard Mr. K.L.N. Swamy, learned counsel for the petitioners.

3. The respondents have filed a suit and obtained an interim order of injunction from the court of first instance. As against the interim order of injunction, the petitioners, who are the defendants in the suit, have filed CMA.No.29 of 2018. Along with the appeal, the petitioners have filed I.A.No.751 of 2018 for the appointment of receiver to harvest the standing crop, auction the same and to safeguard the interests of the temple. We do not know how in an appeal arising out of an interim order of injunction, the persons, who have suffered the injunction, can seek appointment of a receiver. The interlocutory application filed by the petitioners does not arise out of the main appeal. The fact that the first Appellate Court has not disposed of such an application, should really make the petitioners happy since there is only one way such an application could have been disposed of. Hence, the Civil Revision Petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 21-12-2018
Ksn