

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1979 of 2015 and  
M.P.No.1 of 2015

A. Parthasarathy ... Petitioner

v.

1. Pazhaverkadu Venkatasamy Gramani Trust,  
Represented by its Trustees  
Mr. S. Venkataraman,  
S/o.P.R. Srinivasan,  
No.7, Valleswarer Koil Street,  
Mylapore, Chennai – 600 004.
2. Arulmigu Kolavizh Amman Temple,  
Represented by its Executive Officer,  
Having office at Arulmigu Kapaleeswarer Temple,  
Mylapore, Chennai – 600 004.

... Respondents

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Civil Revision Petition filed under Article 227 of the Constitution of India  
against the order and decree dated 28.10.2014 in I.A.No.893 of 2014 in  
O.S.No.340 Of 2014 on the file of the VII Assistant Judge, City Civil Court,  
Chennai.

For Petitioner : Mr.C. Uma Shankar

For Respondents : Mr. T.Ganesh – for R1  
Mrs. Usha Tholgappian – for R2 \_

ORDER

Challenging the order passed in I.A.No.893 of 2014 in O.S.No.340 of 2014 on the file of the VII Assistant Judge, City Civil Court, Chennai, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.340 of 2014 for permanent injunction. In the said suit, the plaintiff filed an application in I.A.No.893 of 2014 seeking for interim injunction. The 2<sup>nd</sup> defendant-temple filed their written statement and are contesting the suit.

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3. The Trial Court, by order dated 28.10.2014, closed the application in I.A.No.893 of 2014 stating that the suit was ripe for trial. The application was closed by a single line order without any discussion.

4. The Trial Court has not gone into the merits of the application in spite of the fact that the application was filed along with the plaint.

5. It is brought to the notice of this Court by the learned counsel on either side that the suit in O.S.No.340 of 2014 is still pending. In spite of the fact that no interim order was granted by this Court in the Civil Revision Petition, since the Trial Court had passed a non-speaking order, the same is liable to be set aside.

6. Accordingly, the fair and decreetal order passed in I.A.No.893 of 2014 in O.S.No.340 of 2014 are set aside and the matter is remitted back to the VII Assistant Judge, City Civil Court, Chennai for fresh consideration. The VII Assistant Judge, City Civil Court, Chennai, is directed to decide the application on merits and in accordance with law, within a period of three weeks, from the date of receipt of a copy of this order. Further, the VII Assistant Judge, City Civil Court, Chennai, is also directed to dispose of the suit in O.S.No.340 of 2014, within a period of four months, from the date of disposal of I.A.No.893 of 2014 .

With these observations, the Civil Revision Petition is allowed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

27.11.2019

Index : Yes / No

Speaking order / Non Speaking Order

Rj

To

The VII Assistant Judge,  
City Civil Court  
Chennai,

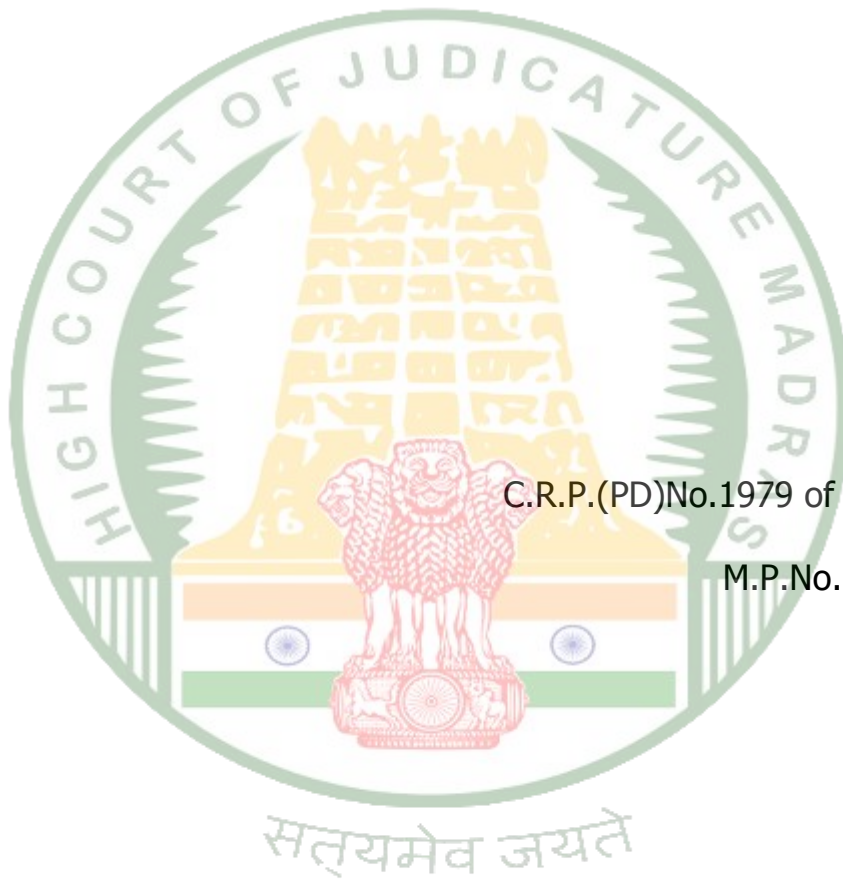


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M.DURAI SWAMY, J.

Rj



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M.P.No.1 of 2015

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