

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No.1236 of 2019

and

CMP.No.7952 of 2019

A.Sardhar

..Petitioner/Defendant

Vs

1.Fathima Beevi

2.Syed Shahboodin

..Respondents/Plaintiffs

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 11.01.2019 passed in I.A.No.2262 of 2018 in I.A.No.1275 of 2016 in O.S.No.135 of 2016, on the file of the learned District Munsif Court, Madurantagam.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned District Munsif, Madurantakam, in I.A.No. 2262 of 2018 in I.A.No. 1275 of 2016 in O.S.No. 135 of 2016, wherein, the defendant sought to mark certain documents in the interim injunction application and the said application has been dismissed. Challenging the same, the revision petitioner/defendant is before this Court.

2 Heard Mr.K.Govi Ganesan, learned counsel
appearing on behalf of the petitioner.

3 It is seen that the suit is one for a bare injunction
and admittedly, the property is Government Poramboke land in which
the plaintiff would contend that not only is he paying the B-Memo
charge but he is also paying 2A charges to the Government and this
fact has been disputed by the revision petitioner and along with suit,
the respondent/plaintiff had filed application for an ad interim
injunction and the ad-interim injunction was granted on the basis of
the B-memo charges which the plaintiff had produced, which would
show a prima facie rebuttable presumption of possession of the suit
property by the respondent.

4 The Court below has rejected application on the
ground that while considering an interim application, the Court has to
only consider the prima facie proof, and this proof has been produced
by the plaintiff. The documents now sought to be marked are not
necessary at this stage.

5 This Court find no infirmity in the order passed by
the learned Judge. However, considering the fact that the order is of
the year 2016 and is one for a bare injunction, where the written

statement has also been filed as early as in the year 2016, learned Judge shall proceed to dispose of the suit on or before 31.07.2019.

6 In the result, the Civil Revision Petition stands dismissed and order passed in I.A.No. 2262 of 2018 in I.A.No. 1275 of 2016, on the file of the learned District Munsif Court, Madurantagam, dated 11.01.2019 is confirmed. No costs. Consequently, connected petition is also closed.

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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To

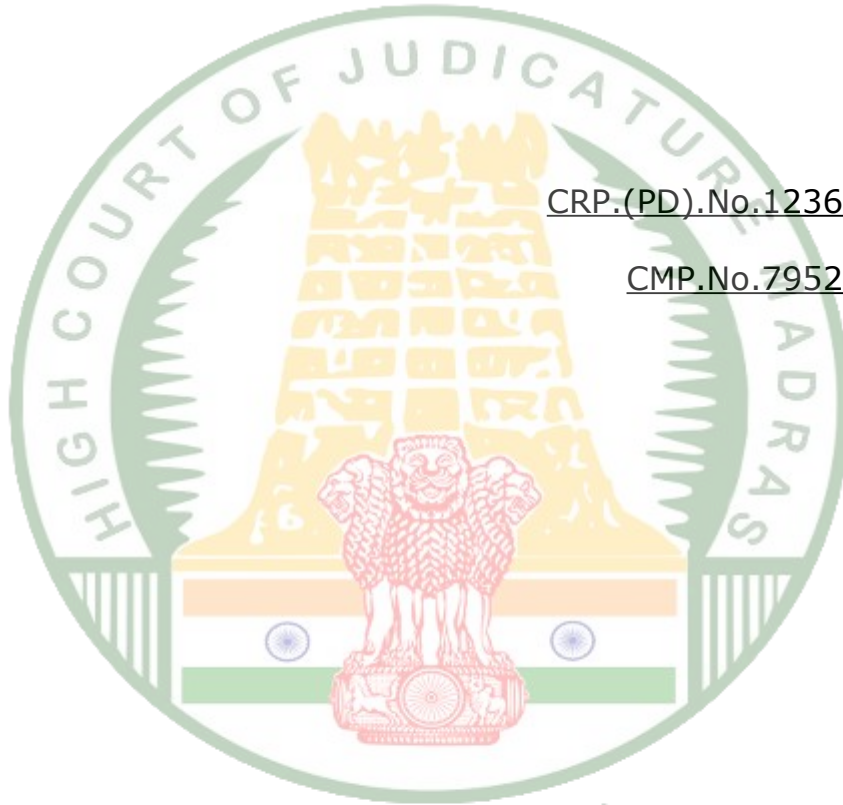
The District Munsif Court,
Madurantagam.

04.04.2019

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P.T.ASHA, J.

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