IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

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

CRP(PD).No.2591 & 2592 of 2017

C.R.P.No.2591 of 2017

V.Rajakumar .. Petitioner/Plaintiff

Vs

1.C.Manikandan ..1st Respondent/1st Defendant

2.V.Sriramulu ..4th Respondent/4th Defendnat

3.P.L.Subramanian
4.P.L.Senthilnathan ..Respondents 2&3/Defendants 2&3

C.R.P.No.2592 of 2017

V.Rajakumar .. Petitioner/Plaintiff

Vs

1.C.Manikandan ..1st Respondent/1st Defendan

2.P.L.Subramanian
3.P.L.Senthilnathan ..Respondents 2&3/Defendants 2&3

4.V.Sriramulu ..4th Respondent/4th Defendnat

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COMMON PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the decree and judgment dated 26.10.2016 made in C.M.A.Nos.129 & 140 of 2014 on the file of XV Additional City Civil Court Chennai in reversing the decree and judgment dated 14.10.2014 made in I.A.No.11219 of 2014 in O.S.No. 4077 of 2014 on the file of XVI Assistant City Civil Court, Chennai.

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For Petitioner
in both CRPs : Mr.G.Ethirajulu

For R2
in both CRPs : Mr.S.Kamaraj

C O M M O N O R D E R

The above C.R.P.No.2591 of 2017 is filed against the fair and decretal order in C.M.A.No. 129 of 2014, C.R.P.No. 2592 of 2017 is filed against the fair and decretal order in C.M.A.No.140 of 2014. The plaintiff in the suit O.S.No.4077 of 2014 is the revision petitioner before this Court. The two revisions arises out of a single suit and therefore, a common order is being passed in the above Civil Revision Petitions.

2 The revision petitioner has filed the Suit in O.S.No.4077 of 2014, on the file of the XVI Assistant City Civil Court, Chennai for an injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the Suit property, which is an extent of 12.5 acres in Kolathur Village, Perambur Pursawalkam Taluk comprised in Paimash No.213, Town Survery Nos: 87 & 43. Pending the suit, the petitioner had the benefit of an order of injunction, which was confirmed by the learned Assistant City Civil Judge. As against the said order, the 4th defendant had filed CMA No. 140 of 2014 and defendants 2 and 3 had filed

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CMA.No.129 of 2014. Pending CMAs, the interim order granted in I.A.No. 11219 of 2014 in O.S.No. 4077 of 2014, by the XVI Assistant City Civil Judge, Chennai was suspended. Ultimately, by order dated 26.10.2016, the learned XV Additional City Civil Judge, Chennai allowed the two said CMAs and vacated the injunction and as against the said order, the revision petitioner is before this Court.

3 It is seen that when the matter had came up for admission, an injunction was granted and the same has ultimately been made absolute until further orders. Considering the fact that revision petitioner had the benefit of an injunction order throughout and taking in to account, the fact that suit is also ready for trial, this Court is of the view that the Civil Revision Petitions are to be allowed and the order passed by the XV Additional City Civil Court, Chennai in CMA.Nos.129 and 140 of 2014, are be set aside and the order passed in I.A.No.11219 of 2014 in O.S.No. 4077 of 2014 by the learned XVI Assistant City Civil Judge is to be restored.

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4 In the result, these Civil Revision Petitions are allowed and the orders passed in C.M.A.Nos. 129 and 140 of 2014 are set aside and the order in I.A.No.11219 of 2014 in O.S.No. 4077 of 2014 is restored. Considering the fact that the suit is ready for

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P.T.ASHA, J.

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trial, the learned XVI Assistant City Civil Judge is directed to dispose of the Suit within a period of three months from the date of receipt of a copy of the order from this Court. No costs.

28.02.2019

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

To
1.The learned XVI Assistant City Civil Court,
Chennai.

2.The learned XV Additional City Civil Court,
Chennai.

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