



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17..12..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4161 of 2019
and
C.M.P.No.27113 of 2019

1.Sham Ahuja

2.Aarthy S. Ahuja

... Petitioners /Plaintiff

-Versus-

H.A.Arunmozhi Fathima

... Respondent/Defendant

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.12.2019 made in I.A.No.2 of 2019 in O.S.No.9118 of 2019 by the learned XI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.P.Arthi

ORDER

This civil revision petition is directed against the order directing notice to the sole respondent in the application filed by the petitioner herein under Order XXXIX, Rule 1 and 2 of CPC for ad-interim injunction.

2. The petitioners are the plaintiffs in O.S.No.9118 of 2019. They have filed the above said suit for bare injunction. Along with the suit, the petitioners have filed an application for ad-interim injunction against the respondent herein. When the application came up for hearing, the court below ordered notice to the respondents returnable by 19.12.2019. Challenging the order directing to issue notice, the petitioners are before this court with this civil revision petition.

4. This civil revision is coming up today for admission. I have heard the learned counsel for the petitioner and also perused the records carefully.

5. In the application filed by the petitioners seeking for ad-interim injunction, the court below ordered notice to the



respondent/defendant and the matter now stands posted to 19.12.2019 for hearing. Challenging the order for issuance of notice to the respondent, the petitioners are before this court with this revision petition. In the considered opinion of this court, the petitioner cannot maintain the revision petition as against the order merely directing notice to the defendants. Thus, this court does not find any merit at all in this revision petition and the same deserves only to be dismissed.

In the result, this Civil Revision Petition is dismissed. However, considering the facts and circumstances of the case, the learned XI Assistant Judge, City Civil Court, Chennai, is hereby directed to take up the interlocutory application for interim injunction on 19.12.2019, hear and dispose of the same after giving opportunity to both parties within a period of two weeks thereafter. Consequently, connected CMP is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

kmk

To

1. The XI Assistant Judge, City Civil Court, Chennai

+2 CCS to Mr. S.P. Arthi, advocate sr 104677 (20/12/2019)

Civil Revision Petition
No. 4161 of 2019

CP (CO)
SP (19/12/2019)