

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP No.22987 of 2018

in CRP PD No.4168 of 2018

1 P.GUNASEKARAN [PETITIONERS]

2 G. MOHANA PRIYA

3 G. SUREKA

Vs

M.M.P.A.RAHUMATHULLA [RESPONDENT]
CHIEF MANAGING PARTNER,
M/S. RANGOON TIMBER SHOP,
NO.23 BASIN BRIDGE ROAD, CHENNAI 600 079.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the operation of the Judgement and decree dt 09-10-2018 made in CMA.No.84/2016 on the file of VI Additional City Civil Court, Chennai, revising the fair and decreetal order passed in IA.No.6164/2016 in OS.No.2402/2016, dated 29.9.16 on the file of the XIV Assistant City Civil Court, Chennai, pending CRP PD No.4168 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.DEVNARENDERAN, Advocate for the petitioner and of MR.R.THIAAGARAJAN Advocate (Caveator) on behalf of the Respondent the court made the following order:-

In the above Civil Miscellaneous Petition, by order dated 18.12.2018, the parties were directed to maintain status quo, which in the opinion of this Court is a very nebulous state.

2. From a perusal of the documents, it appears that the defendant / respondent herein had originally filed a suit for permanent injunction which was subsequently withdrawn by them. Thereafter, the revision petitioner / plaintiff had filed the suit in O.S. No.2402 of 2016 on the file of the XIV Assistant City

Civil Court, Chennai. Initially, the plaintiff had the benefit of interim order of injunction throughout the suit and the injunction was finally made absolute. Challenging the said order, the defendant had filed the Civil Miscellaneous Appeal in CMA No.84 of 2016 on the file of the VI Additional City Civil Court, Chennai. Pending the appeal, the defendant had not got the interim order suspended and ultimately by the impugned order dated 09.10.2018, the Civil Miscellaneous Appeal was allowed. Immediately, the present revision has been filed and status quo has been directed to be maintained.

3. Considering the fact that through out the suit, the plaintiff had the order of interim injunction this Court is inclined to grant an order of interim injunction until further orders as the above facts have not been refuted by the counsel appearing for the Caveator / Respondent.

-sd/-
29/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGISTRAR
CITY CIVIL COURT, CHENNAI-104.

C.C. to M/S.A.DEVNARENDERAN Advocate SR.NO.6278

सत्यमेव जयते Order

in
CMP.22987/2018

in CRP PD.4168/2018

Date :29/04/2019

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