

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).No.4589 of 2012

and

MP.No.1 of 2012

V.Shanmuga Sundar

... Petitioner

Versus

1.R.Arivalagan
2.A.Parthasarathy
3.J.Karthikeyan
4.Senthilmurugan
5.N.Nandakumar

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 16.11.2012 passed in I.A.No.18295 of 2011 in O.S.No.8435 of 2011 by the learned XI Assistant Judge, City Civil Court, Chennai.

For petitioner : No Appearance

For Respondents : Ms.M.Leena (for R2)

: No Appearance – R1 & R5

: R3 & R4 – Dismissed vide order

dated 29.08.2019

ORDER

The petitioner is called absent and heard the learned counsel for the second respondent.

2. The petitioner herein filed the suit in O.S.No.8435 of 2011 for the

relief of ad-interim injunction restraining the respondents or any other person claiming right under them from parking their vehicles in the open common space area from 6.00 a.m. to 10.00 p.m. daily.

3. Pending suit, the petitioner filed an application in I.A.No.18295 of 2011 for the very same relief. When the matter is posted for hearing, the learned counsel for the petitioner has observed that the relief sought for in the I.A. and the suit being one and the same, the trial Court directed the I.A. to be called along with the main suit. Aggrieved by the said order, the present preferred the present C.R.P. As rightly contended by the second respondent, the prayer in the suit as well as the prayer in the I.A being one and the same and to that effect a finding was given in the I.A application, it will have a bearing in the suit. In the absence of prima-facie case being made out in favour of the petitioner, the Trial Court has rightly rejected the application. Hence, I do not find any infirmity in the order passed by the Trial Court. Thus, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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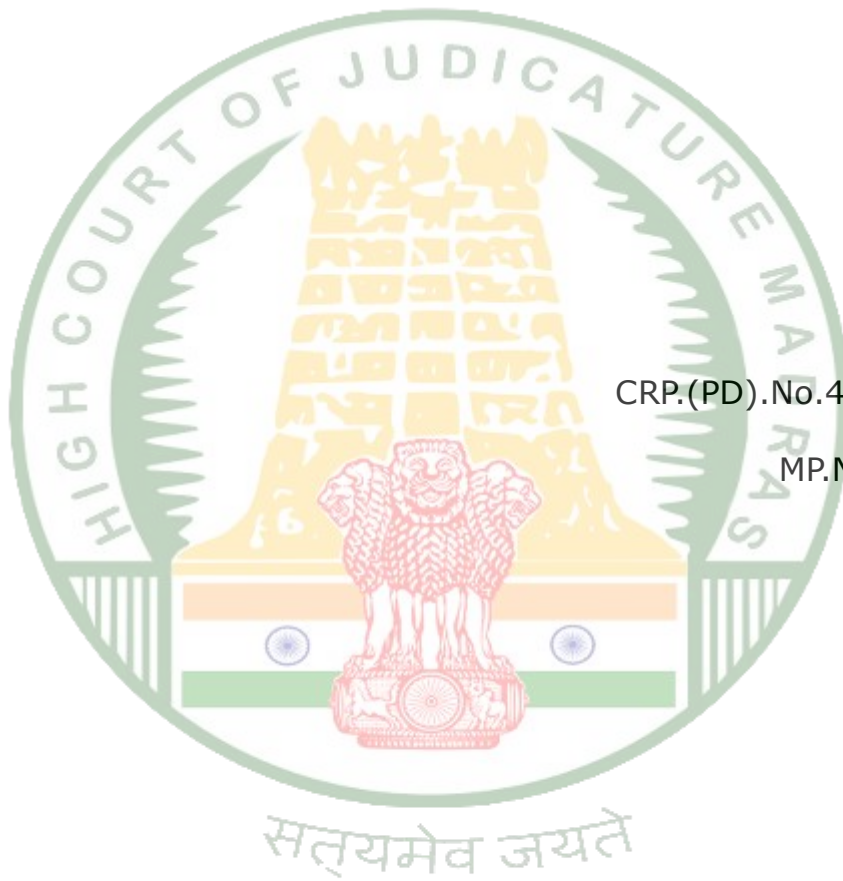
12.02.2020

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
klt

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

RMT.TEEKAA RAMAN,J.,

klt



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