

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.(PD).No.873 of 2020
and C.M.P.No.4654 of 2020

V.Elangovan

...Petitioner

Vs.

V.Kavitha

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in I.A.No.1355 of 2017 in O.S.No.624 of 2017 dated 31.10.2019 on the file of the III Additional District Munsif, Coimbatore.

For Petitioner : Mr.C.Veera Raghavan

ORDER

This Civil Revision Petition has been filed to set aside the order of dismissal made in I.A.No.1355 of 2017 in O.S.No.624 of 2017 dated 31.10.2019 on the file of the III Additional District Munsif Court, Coimbatore.

2. The petitioner herein is the defendant in the suit. The respondent here is the plaintiff filed a suit in O.S.No.624 of 2017 for bare injunction. Pending suit, the trial Court granted an order of interim injunction. The petitioner filed an application in I.A.No.1355 of 2017, to vacate the order of interim injunction granted in I.A.No.573 of 2017, however, the Courts below dismissed the application. Challenging the same, the present revision petition has been filed.

3. Admittedly, as against the order of interim injunction, an appeal remedy is available before the Courts below under Order 43 of Civil Procedure Code. Hence, the present revision petition is not maintainable.

4. In view of the above, the Civil Revision Petition is dismissed. Granting liberty to the petitioner to challenge the order by way of appeal. No costs. Consequently, connected miscellaneous petition is closed.

5.The Registry is directed to return the original order to the revision petitioner forthwith.

27.02.2020

Index : Yes / No

Internet : Yes / No

Speaking order / Non Speaking Order

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To

The III Additional District Munsif,
Coimbatore.

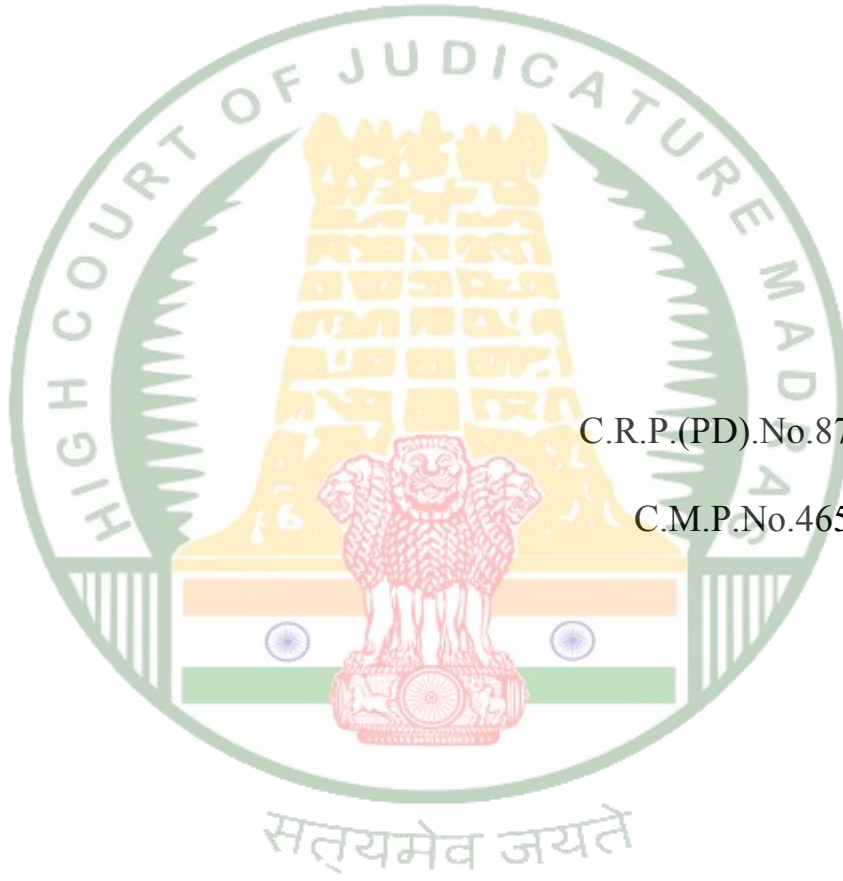


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V.BHARATHIDASAN, J.

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