

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD).No.3151 of 2013

and

M.P.No.1 of 2013

Sujatha

... Petitioner/Plaintiff

Versus

1.Selvam

2.Sudhagar

3.Prabhakaran

4.Vasantha

...Respondents/

Defendants 1 to 4

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order and decree dated 04.06.2013 made in I.A.No.339 of 2012 in O.S.No.70 of 2008, on the file of the learned District Munsif Court, Pochamballi.

For Petitioner : Mr.M.Sriram

For Respondents: No appearance

ORDER

This Civil Revision Petition has been filed against the order passed by the learned District Munsif Court, Pochampalli, in I.A.No.339 of 2012 in O.S.No.70 of 2008, dated 04.06.2013.

2 The plaintiff in the suit O.S.No.70 of 2008 is the revision petitioner.

3 Brief facts of the case are as follows:

(i) The revision petitioner has filed a suit in O.S.No.70 of 2008 before the learned District Munsif cum Judicial Magistrate for seeking 1/3rd share of the suit property and right in the suit property and permanent injunction restraining the defendants from interfering with drawing of water from the well in the suit schedule property to an extent of 1/3rd right.

(ii) During the pendency of the suit, she has filed an application in I.A.No.262 of 2008, before the learned District Munsif cum Judicial Magistrate, for an interim injunction restraining the respondents/defendants, seeking 1/3rd share from trespassing into the said schedule well and the same was granted on 09.09.2009.

(iii) As against which, the defendants have filed a Civil Miscellaneous Application in CMA.No.10 of 2009 and the said application was also dismissed and the order of injunction granted by the Trial Court is confirmed and hence, she filed the present I.A.No.339 of 2012 seeking police protection for implementation of the order. However, as counter was not filed, it appears that District

Munsif, Pochampalli has closed the petition.

4 Heard the learned counsel for the petitioner and perused the materials placed on record.

5 Taking into consideration the above facts and circumstances, it needs to be stated that when an injunction order is granted for implementation of the order, the police protection is being sought for, the trial Court cannot be simply close the petition for statistical purpose. Accordingly, the order passed in I.A.No.461 of 2013 is set aside and the matter is remitted back to the learned District Court to dispose of the same in accordance with law.

6 In the result, the Civil Revision Petition stands allowed with the above observations and the order passed by the by the learned District Munsif Court, Pochampalli, in I.A.No.339 of 2012 in O.S.No.70 of 2008, dated 04.06.2013 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

21.01.2020

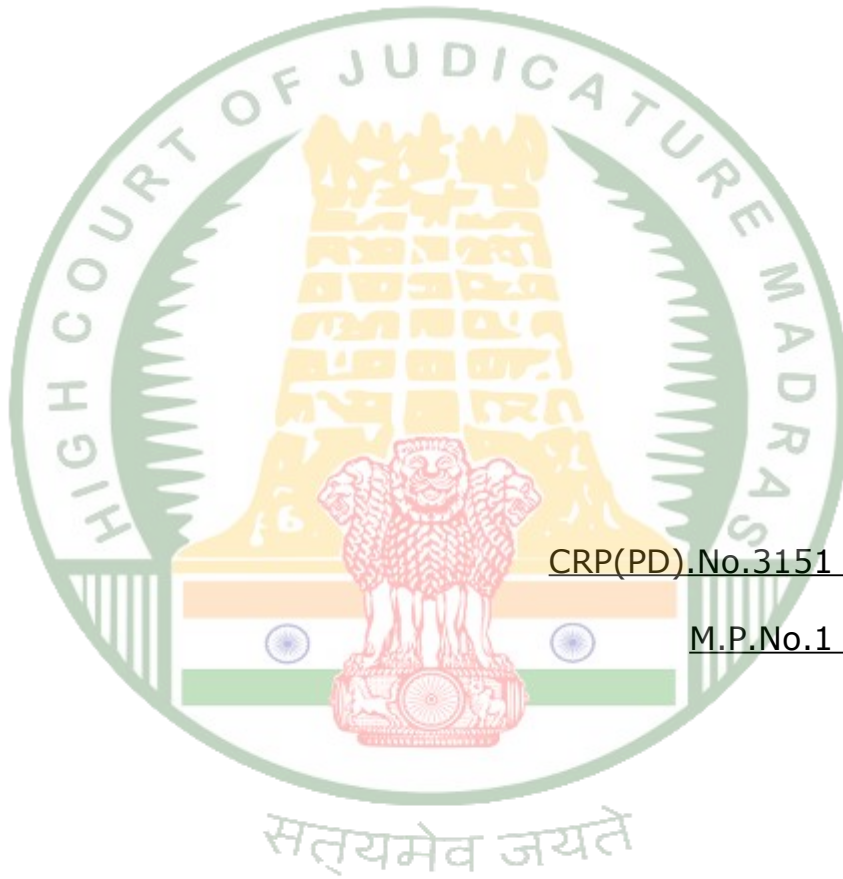
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Speaking Order:Yes/No

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To
The District Munsif Court, Pochamballi.

RMT.TEEKAA RAMAN., J.

dua



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