

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

C.R.P.(PD) No.4265 of 2019
and C.M.P.No.27819 of 2019

M.Kannan

..

Petitioner/Plaintiff

Vs.

1. C.Sundarrajan
2. Tamilnadu Housing Hoard
Rep. by its Chairman,
No.423, Anna Salai,
Nandanam, Chennai - 65.
3. Tamilnadu Housing Hoard
Rep. by its Executive Engineer,
Anna Nagar Division,
Thirumangalam, Chennai - 35.

.. Respondents/Defendants

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.07.2018 in I.A.No.8500 of 2018 in O.S.No.3510 of 2018 on the file of the V Assistant Judge, City Civil Court, Chennai.

For Petitioner	: Mr.R.Natraj
For Respondent No.	: No appearance
For Respondents 2 & 3	: Mr.M.R.Sivakumar, Standing Counsel

ORDER

The revision petitioner has filed a suit in O.S.No.3510 of 2018 before the V Assistant Judge, City Civil Court, Chennai for permanent injunction against the respondents/defendants. In the said suit, the petitioner has filed an application in I.A.No.8500 of 2018 for grant of interim injunction pending disposal of the suit. According to the petitioner, notice served to the respondents and served affidavit of service along with acknowledgement card. Notice properly served to the respondents 1 and 3, called absent. No representation for respondents 1 and 3 and hence set exparte. The said application was allowed by the trial Court by order, dated 17.7.2018. Now, the revision petitioner has filed the present Civil revision for directing the respondents to obey the order passed by the trial Court, dated 17.7.2018.

2. According to the learned counsel appearing for the revision petitioner, due to urgency in the matter, the petitioner has filed the present revision before this Court to direct the respondents to obey the order passed by the trial Court on 17.7.2018.

3. The learned Standing counsel appearing for the respondent Board denied the allegation by stating that the revision petitioner relied upon

the patta before the trial Court. The genuineness of the patta has been verified by the revenue department and found the said document was forged. It is further submitted by the learned Standing counsel appearing for the respondent Board that they have filed an application to set aside the exparte interim order passed by the trial Court and the same is pending before the trial Court and therefore, the Civil revision petition is not maintainable.

4. In view of statement made by the learned Standing counsel appearing for the respondent that the application filed by the respondent to vacate the interim stay granted in I.A.No.8500 of 2018, dated 17.7.2018 is pending before the trial Court, the Court below is directed to dispose of such application if any, as expeditiously as possible.

Civil Revision petition is dismissed with the above directions. No No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

02.03.2020

Speaking/Non Speaking order

Index: Yes/No

vaan

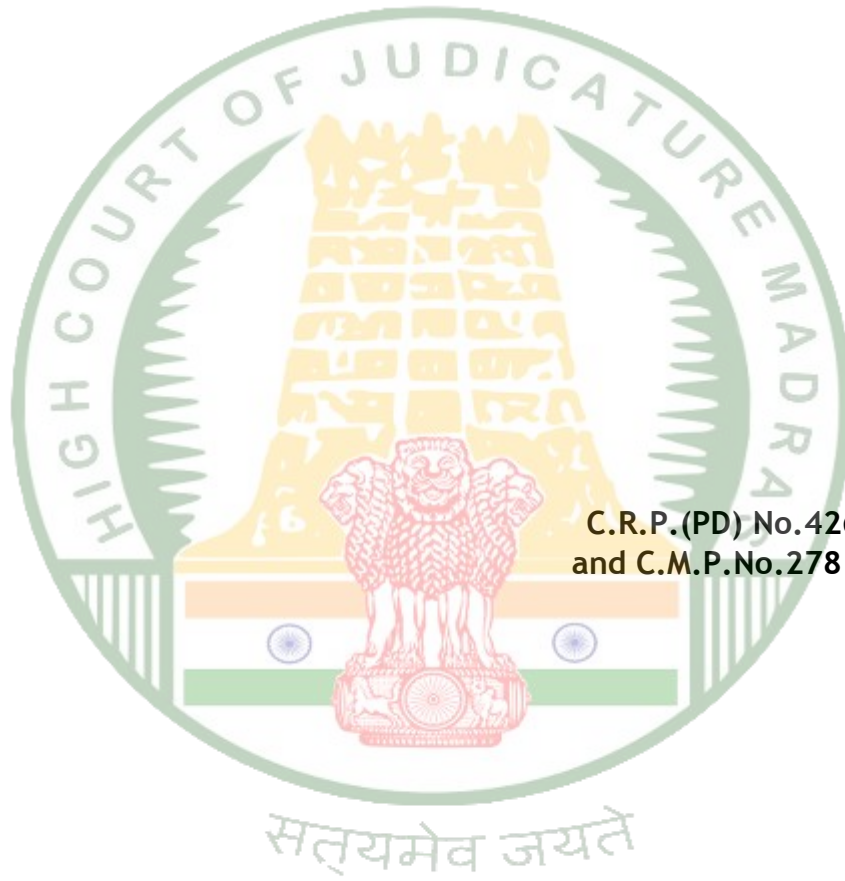
To

The V Assistant Judge, City Civil Court, Chennai

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D.KRISHNAKUMAR.J,

vaan



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