

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD).No. 3995 of 2018

and

C.M.P.Nos. 22141 & 22142 of 2018

N.Arun ...Petitioner/Respondent/Defendant

Vs.

M.A.Chandrasekaran ...Respondent/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order dated 09.10.2018 made in I.A.No. 17 of 2018 in O.S.No. 627 of 2018 on the file of the learned III - Additional District Munsif Court, Salem.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.R.Sankarasubbu

O R D E R

This civil revision petition has been filed by the sole defenant in O.S.No. 627 of 2018, challenging the interim orders of injunction and certain directions issued by the learned III - Additional District Munsif Court, Salem on 09.10.2018 and 02.11.2018.

2. Heard Mr.N.Manoharan, learned counsel for the petitioner.

3. Admittedly, the injunction application is pending and it is yet to be finally disposed off. The Hon'ble Supreme Court in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Others Vs. Tuticorin Educational Society and another reported in 2019 (5) CTC 696 has held that the High Court should not interfere with interlocutory orders passed by the Trial Courts particularly, when the remedy is available under the C.P.C. The Hon'ble Supreme Court has held even an interim order passed under Order 39 Rule 1 and 2 is appealable in A.Venkatasubbiah Naidu Vs. S.Chellappan and others reported in 2000 (7) SCC 695.

4. Therefore, leaving it open to the petitioner to take appropriate proceedings against the interim orders that have been passed, this civil revision petition is rejected as not maintainable. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1.The III Additional District Munsif Court,
Salem

+1 CC to Mr.N.Manoharan, Advocate sr 37418.

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NRL(CO)

SP(08/12/2020)