



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)No.775 of 2019

and

C.M.P. (MD)No.4757 of 2019

WEB COPY

1.Otthi

2.Jeyapandi

3.Chermaraj

: Petitioners

.. Vs ..

Ramdas

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order, dated 10.04.2019 made in I.A.No.100 of 2019 in O.S.No.33 of 2019 on the file of the District Munsif Court, Sathankulam and to set aside the same.

For Petitioners

:Mr.B.Char Murugan

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ORDER

This Civil Revision Petition is directed against the order passed by the learned District Munsif, Sathankulam, in I.A.No.100 of 2019 in O.S.No.33 of 2019, dated 10.04.2019.

2.Heard the learned Counsel appearing for the petitioners.

3.The revision petitioners are the defendants in the suit in O.S.No.33 of 2019. The respondent herein filed the suit in O.S.No.33 of 2019 before the District Munsif Court, Sathankulam, for permanent injunction restraining the revision petitioners from interfering with the peaceful possession and enjoyment of the suit property by the plaintiff.

4.Along with the plaint, the respondent/plaintiff filed an Ad-interim injunction application in I.A.No.100 of 2019 in O.S.No.33 of 2019. The learned District Munsif, Sathankulam, passed an order on the interlocutory application filed by the plaintiff after recording the fact that the plaintiff has *prima facie* case and that the balance convenience is in favour of him. It is further observed that the respondent/plaintiff will be put to great loss, in case the order of interim injunction is not granted to him. As against the order of Ad-interim injunction against the revision petitioners, the revision petitioners/defendants have straightaway come before this Court without resorting to the alternative remedy available before the same Court under Order 39 Rule 4 CPC to vacate the interim injunction.



5.This Court, after going through the records, is of the view that the revision petition can be closed with liberty to the revision petitioners to approach the lower Court to vacate the interim injunction under Order 39 Rule 4 CPC. Hence without going into the merits of the revision petitioners claim that they are in possession of the property, this Court is inclined to pass the following order:

5.1.This Civil Revision Petition is closed, however, liberty is given to the revision petitioners to file an application to vacate the interim injunction as provided under Order 39 Rule 4 CPC. When an application is filed by the revision petitioners under Order 39 Rule 4 CPC, the learned District Munsif, Sathankulam, is directed to dispose of the same on merits and in accordance with law within a period of eight weeks from the date of filing of the said application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The District Munsif, Sathankulam

2.The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court, Madurai.(2c)

+1 CC to M/s.B. CHAR MURUGAN, Advocate (SR-17755[F] dated 22/09/2020)

C.R.P. (PD) (MD)No.775 of 2019
21.09.2020

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RG (CO)

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