



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.03.2020

CORAM :

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**C.R.P(MD) No.2398 of 2019**

**and C.M.P(MD)No.12591 of 2019**

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Arul Selvaraj

... Petitioner/Respondent/Defendant

**Vs.**

Joseph John

... Respondent/Petitioner/Plaintiff

**PRAYER:** The Civil Revision Petition is filed under Article 227 of Constitution of India challenging the order passed in I.A.No.346 of 2018 dated 27.08.2019 in O.S.No.74 of 2017 on the file of the Additional District Munsif, Padmanabhapuram, Kanyakumari District.

For Petitioners : Mr.K.P.Krishnadoss

For Respondent : Mr.R.J.Karthick

**O R D E R**

This Civil Revision Petition has been filed to set aside the order passed in I.A.No.346 of 2018 dated 27.08.2019 in O.S.No.74 of 2017 on the file of the Additional District Munsif, Padmanabhapuram, Kanyakumari District.

2.The respondent filed the suit in O.S.No.74 of 2017 against the petitioner for permanent injunction and he filed I.A.No.451 of 2017 under Order 39 Rule 3(A) C.P.C. While allowing the said petition, the trial court issued a direction to restore electricity connection within 3 months. In the meantime, the respondent got temporary connection. Though the petitioner has filed an appeal in C.M.A.No.11 of 2017 against the said order before the Sub Judge, Padmanabhapuram, he had given a letter to the Electricity Board on 22.11.2018. Even during the pendency of C.M.A and without obtaining an order of stay, the petitioner gave a letter objecting restoration of electricity connection to the respondent. Therefore, the respondent/plaintiff has filed a petition in I.A.No.346 of 2018 under Order XXXIX Rule 2A and Section 151 C.P.C for punishing the petitioner/defendant for disobedience of the order passed by the trial court.

3. The trial court, after hearing the application under XXXIX Rule 2A and Section 151 C.P.C found that the petitioner has clearly disobeyed the order passed by the trial court and ordered attachment and detention of the petitioner for two months. Challenging the said order, the petitioner is before this Court.



4. The learned counsel for the petitioner would submit that challenging the order passed by the trial court in I.A.No.451 of 2017 dated 05.10.2017, the petitioner has filed C.M.A.No.11 of 2017 before the Sub Judge, Padmanabhapuram and therefore no contempt could be taken against the petitioner herein and he prays for setting aside the order passed in I.A.No.346 of 2018 dated 27.08.2019 in O.S.No.74 of 2017.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. On a perusal of records, it is seen that the petitioner has not obtained an order of stay in C.M.A.No.11 of 2017. The petitioner has not taken any effective steps even during pendency of C.M.A.No.11 of 2017 to obtain order of stay and he has sent a letter to the Electricity Board on 22.11.2018 and made objections for giving electricity connection to the respondent. Mere giving of letter by the petitioner on 22.11.2018 itself is in clear violation/disobedience of the order of the trial court passed in I.A.No. 268 of 2017 dated 28.11.2017. There is no perversity in the order passed by the trial court. This Court finds no merit in the revision.

7. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (A.S.)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

To,  
The Additional District Munsif,  
Padmanabhapuram,  
Kanyakumari District.

+1cc to Mr.R.J. Karthick, Advocate, SR No.10909, dated 10.03.2020.

**C.R.P(MD) No.2398 of 2019**

**Dated: 09.03.2020**

PU (22.05.2020) 2P 3C

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