

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1259 of 2016
and C.M.P.No.6947 of 2016

Seethakkathi Trust,
Rep. By its General Manager & Authorized Signatory,
V.N.A.Ahamed Jalaluddin,
Buhari Towers, Ground Floor,
No.4, Moores Road, Chennai 600 006. .. Petitioner

Vs.

R.Mohanan .. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order in C.M.A.No.4 of 2014 dated 11.02.2016 on the file of the Additional Sub Court, Chengalpattu and restore the fair and decretal order made in I.A.No.732 of 2014 in O.S.No.515 of 2014 dated 15.09.2014 on the file of the District Munsif Court, Chengalpattu.

For Petitioner : Mr.Sunder Mohan
for M/s.D.Venkateswaran

For Respondent : No appearance

ORDER

(The matter is heard through 'video conferencing/hybrid mode')

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 11.02.2016 made in C.M.A.No.4 of 2014 on the file of the Additional Sub Court, Chengalpattu and restore the fair and decreetal order dated 15.09.2014 made in I.A.No.732 of 2014 in O.S.No.515 of 2014 on the file of the District Munsif Court, Chengalpattu.

2.The petitioner is plaintiff in O.S.No.515 of 2014, on the file of the District Munsif Court, Chengalpattu. The petitioner filed the said suit for permanent injunction against the respondent and one another. The petitioner also filed I.A.No.732 of 2014 for temporary injunction, pending suit. The Trial Court granted exparte interim injunction. The respondent, along with the other defendant, filed I.A.No.859 of 2014 to vacate the interim injunction. Both the I.A.s were taken up on 15.09.2014 and the learned District Munsif, Chengalpattu, dismissed I.A.No.859 of

2014 and made the interim injunction absolute. The respondent filed C.M.A.No.4 of 2014, challenging the said order. By the order dated 11.02.2016, the learned Additional Subordinate Judge, Chengalpattu, allowed the C.M.A. and set aside the order of injunction in I.A.No.732 of 2014.

3. Against the said order dated 11.02.2016 made in C.M.A.No.4 of 2014, the petitioner has come out with the present Civil Revision Petition.

4. Earlier, when the Civil Revision Petition was taken up for hearing, this Court called for the report with regard to stage of the suit. The learned Judge, by the report dated 17.04.2021, has informed that the suit is posted to 22.04.2021 for trial and is not in the special list.

5. The learned counsel appearing for the petitioner raised various grounds on merits and prayed to set aside the judgment dated 11.02.2016 made in C.M.A.No.4 of 2014 and allow the Civil Revision Petition.

6.Though the respondent entered appearance through counsel, there was no representation for him when the matter was taken up for hearing on 19.08.2021. Today also, none appeared for the respondent.

7.Heard the learned counsel appearing for the petitioner and perused the entire materials available on record.

8.From the materials on record, it is seen that the petitioner has filed the suit for permanent injunction and filed I.A.No.732 of 2014 for interim injunction, pending suit. The prayer in the main suit and I.A. for interim relief are one and the same. The suit is of the year 2014. The respondent filed written statement on 27.11.2015. The suit is posted for trial. Considering the fact that the relief sought for in the main suit and I.A. are one and the same, without deciding the Civil Revision Petition on merits, it is suffice to direct the learned District Munsif Court, Chengalpattu, to dispose of the suit as expeditiously as possible, in any event, within a period of nine months. The interim injunction already

granted by this Court in C.M.P.No.6947 of 2016 in C.R.P.No.1259 of 2016, on 20.04.2016, is to continue till the disposal of the suit.

With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

27.08.2021

Index :: Yes/No
gsa

To

- 1.The Additional Subordinate Judge,
Chengalpattu.
- 2.The District Munsif,
Chengalpattu.

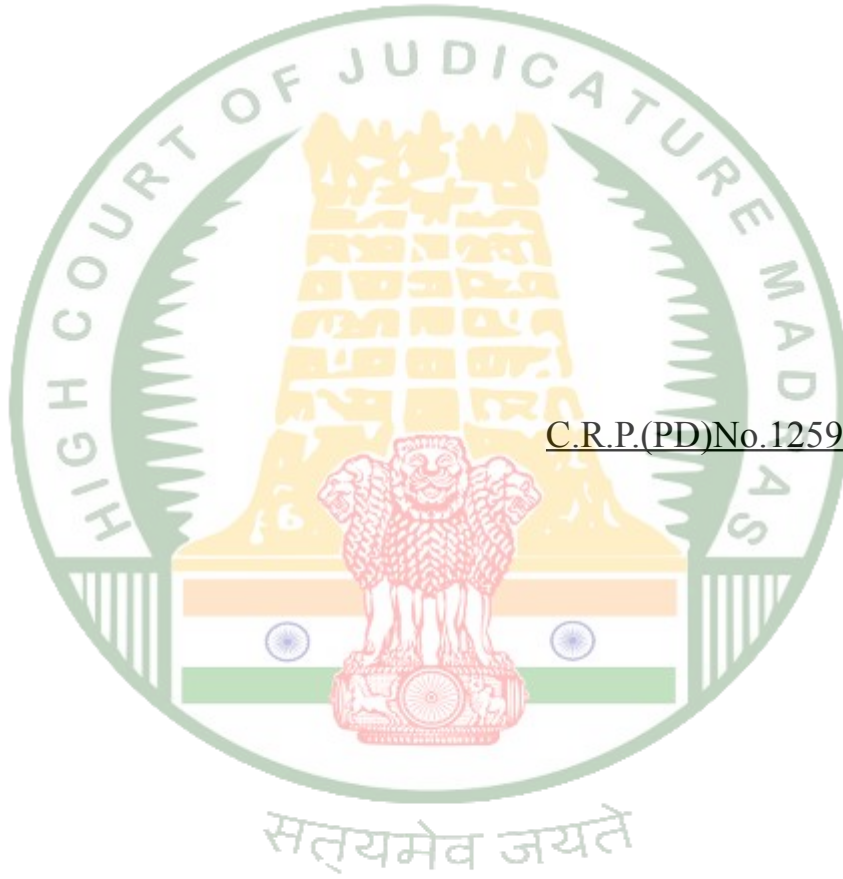


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V.M.VELUMANI, J.

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