



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 25.11.2021  
CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP No.2370 of 2021  
and CMP Nos.18638 & 18028 of 2021

Bollineni Hillside Residential Township Owners Association,  
Represented by its President  
Perumbakkam Road,  
Nookampalayam,  
Sithalapakkam Post,  
Chennai - 126. ... Petitioner

Vs

BVM Global Educational Trust,  
New No.9, Old No.5, 1st Cross Street,  
Karpagam Gardens,  
Chennai- 20.  
Rep. by Managing Trustee  
Mr.A.S.Ramana Prasad ... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, against the interim order of the IV Assistant City Civil Court, Chennai passed in I.A. No.2 of 2019 in O.S. No.2040 of 2019 dated 11.04.2019.

For Petitioner : Mr.L.Chandrakumar  
for Mr.K.Jayaraman

For Respondent : Mr.Krishna Srinivasan

#### O R D E R

The challenge in this revision is to an order of the learned IV Assistant City Civil Judge, Chennai, granting an interim injunction restraining the petitioner from taking any coercive steps for recovery of illegal demands of maintenance fees or late payment charges or over due interest except in accordance with law.

2. The order is dated 11.04.2019. This Civil Revision Petition is filed on 08.10.2021. This revision can also be dismissed on the ground of laches. But, I do not propose to do



so since the order passed is an appealable order in view of Judgment of the Hon'ble Supreme Court in A.Venkatasubbiah Naidu Vs. S.Chellappan and Ors. reported in 2000 (7) SCC 695. The Hon'ble Supreme Court in Virudhunagar Hindu Nadargal Dharma Paribalan Sabai & Ors. Vs. Tuticorin Educational Society & Ors. has held that when an appeal remedy is available under the Code of Civil Procedure, the High Court as a matter of discipline and prudence would not entertain the revision under Article 227 of the Constitution of India. Hence the revision is dismissed with liberty to the petitioner to file an Appeal against the order granting interim injunction. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vum/ab

To

1.The IV Assistant Judge,  
City Civil Court,  
Chennai.

+1 cc to Mr.K.Jayaraman, Advocate Sr.NO. 61462

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rsv(CO)

A.SK(09.12.2021)