

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.4106 of 2018

and

C.M.P.No.22652 of 2018

M/s.The Mylapore Hindu Permanent Fund Ltd.,
Represented by its Secretary,
No.24/32, South Mada Street,
Mylapore, Chennai – 4.

... Petitioner

Vs.

1. P.Srinivasan
2. S.Radha
3. M/s.Alwin and Co.,
No.260 (Old No.204)
Thambu Chetty Street,
Chennai – 600 001.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and docket order dated 14.06.2018 made in I.A.No.545 of 2018 in O.S.No.441 of 2017 on the file of the Principal District Munsif Court, Alandur.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mr.C.K.M.Appaji (for R1 & R2)
: Notice Served (No Appearance)

(for R3)

ORDER

This Civil Revision Petition is filed as against the docket order passed in I.A.No.545 of 2018 in O.S.No.441 of 2017 dated 14.06.2018 on the file of the learned the Principal District Munsif, Alandur, thereby granting interim injunction while pending the suit.

2. The petitioner is the first defendant and the respondents 1 and 2 are the plaintiffs. The respondents 1 and 2 filed a suit for declaration to declare that the auction sale notice of the second defendant, dated Nil to bring the schedule property belonging to the plaintiffs for auction for and on behalf of the 1st defendant on 11.09.2017 at 3.00 p.m as null and void and also seeking permanent injunction. The respondents 1 and 2 also filed a petition for interim injunction in I.A.No.545 of 2018. After filing the counter, when the injunction application was posted for enquiry, after hearing the argument on both sides, at request, the matter was passed over after lunch. After lunch, there was no representation on the side of the respondent and as such, the Court below granted ad-interim injunction till the disposal of the said Interlocutory Application.

3. The only contention raised by the petitioner is that after hearing the arguments, the Court below, without considering the documentary evidence, simply granted interim injunction, that too recorded the wrong reasons, as if the counsel for the respondent was not present after lunch. However, the Court below granted only ad-interim injunction till the disposal of the said Interlocutory Application. Therefore, this Court finds no infirmity or illegality in the interim order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, the Trial Court is directed to dispose of I.A.No.545 of 2018 within a period of eight weeks from the date of receipt of a copy of this order, if not already disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.07.2021

Speaking/Non-speaking order
Index : Yes/No
kv

To

3/5

1. The District Munsif Court, Alandur.
2. The Section Officer,
V.R. Section, High Court of Madras.

G.K.ILANTHIRAIYAN,J.

Kv



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