



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) No.893 of 2020

and

C.M.P. (MD) No.5865 of 2020

Anto ... Petitioner/Respondent
vs.

St.Antony's Church,
represented by its Parish Priest Fr.M.Peter,
Parish House,
Thundathuvilai,
Karungal Post,
Kalkulam Taluk,
Kanyakumari District.

... Respondent/Appellant

PRAYER:- This Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records in CMA.No.2 of 2017 on the file of the Subordinate Court, Padmanabhapuram, Kanyakumari District and set aside the judgment and decree dated 17.07.2020 passed in it and dismiss the said CMA and thereby restore and confirm the temporary injunction granted vide order dated 17.03.2017 passed in I.A.No.95 of 2017 in O.S.No.20 of 2017 on the file of the learned Additional District Munsif, Padmanabhapuram.

For Petitioner : Mr.C.Dhanaseelan
For Respondent : Mr.M.R.Srinivasan

ORDER

Considering the fact that the petitioner had the benefit of injunction throughout till the order passed in CMA.No.2 of 2017 by the learned Subordinate Judge, Padmanabhapuram, Kanyakumari District and the order of injunction had been restored in CMP.No.5865 of 2020 in CRP.(MD) No.893 of 2020, the order of injunction is made absolute.

2.In these circumstances, this Civil Revision Petition stands allowed and the order passed in CMA.No.2 of 2017 dated 17.07.2020 on the file of the learned Subordinate Judge, Padmanabhapuram, Kanyakumari District is set aside. The learned Additional District Munsif, Padmanabhapuram, Kanyakumari District is directed to dispose of the suit in O.S.No.20 of 2017 within a period of 6 months from



the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Subordinate Judge,
Padmanabhapuram.
2. The Additional District Munsif,
Padmanabhapuram, Kanyakumari District

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.DHANASEELAN, Advocate (SR-37119[F] dated 02/12/2021)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-37344[F] dated 03/12/2021)

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KB(11.01.2022) 2P 6C