



C.R.P.(PD) No.752 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.752 of 2022
and CMP.No.3740 of 2022

1.Murugavel
2.Palanivel
3.Kumaravel

... Petitioners / Respondents / Defendants

Vs.

Porkodi

... Respondent / Appellant / Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order passed by the learned Principal Sub Court, Mayiladuthurai in C.M.A.No.14/2018 against I.A.No.1009/2017 in O.S.No.189/2017 dated 02.08.2021

For Petitioners : Mr.P.Vijendran

ORDER

The defendant in O.S.No.189 of 2017 before the District Munsif Court, Sirkazhi, is the revision petitioner herein.



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2.The suit was laid for prohibitory injunction not to disturb the plaintiff's possession, which is concerning two items of suit properties.

In the suit, the plaintiff took out I.A.No.1009 of 2017 for an order of interim injunction. This was partly allowed by the trial Court. In that, the trial Court had granted injunction as regards to item 1, but rejected it as regards item 2 of the suit properties. This was challenged by the plaintiff in C.M.A.No.14 of 2018, and the first Appellate Court has allowed the C.M.A.No.14 of 2018, and granted an interim injunction also concerning the 2nd item of property. This is now in challenge before this Court.

2.Heard the learned counsel for the revision petitioner / defendant.

3.Learned counsel submitted that so far as item 1 is concerned, there is no concurrent finding and obviously it implies there is some irregularity in the order of the Principal Sub Court, Mayiladuthurai in C.M.A.No.14/2018.



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4. The statement of the learned counsel may be impressive, yet this Court does not find any merit to interfere with the order of the first Appellate Court in exercising its power under Article 227 of Constitution. However, this Court is informed that the pleadings in this case are complete, and that the suit is of the year 2017, this Court, directs the District Munsif Court, Sirkali, to dispose of the matter within a period of six months from the date of communication of this order.

5. This revision is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To:

The Principal Sub Court
Mayiladuthurai.



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N.SESHASAYEE.J.,

ds

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