



C.R.P.(PD) No.3909 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD) No.3909 of 2015
and M.P.No.1 of 2015

J.Jayakrishnan

... Petitioner

Vs.

1.E.Chakkarapani

2.Mrs.K.Vasanthi

3.P.K.S.Manian

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 04.09.2015 in I.A.No.524 of 2015 in O.S.No.255 of 2015 on the file of the District Judge, Chengalpet and allow the Civil Revision Petition.

For Petitioner : Mr.A.R.L.Sundaresan,
Senior Counsel for
M/s.A.L.Ganthimathi

For R1 : Mr.S.Nataraja
For R2 : Vacated
For R3 : No appearance

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ORDER

The above Civil Revision Petition has been filed to set aside the order dated 04.09.2015 in I.A.No.524 of 2015 in O.S.No.255 of 2015 on the file of the District Judge, Chengalpet.

2. I.A.No.524 of 2015 in O.S.No.255 of 2015 has been filed to pass an order of temporary injunction restraining the 3rd respondent/3rd defendant, his men, agents, servants, employees and any other persons claiming through him from in any manner interfering with his peaceful possession and enjoyment of the property until the disposal of the suit, grant ad interim orders of injunction in the same terms pending disposal of the application.

3. In respect of one property, two suits have been filed. The petitioner herein had filed a suit in O.S.No.221 of 2015 before the Sub Court, Tambaram and on 18.08.2015, an order of interim injunction has been granted in I.A.No.683 of 2015 restraining the respondents herein from interfering with the peaceful possession and enjoyment of the suit property.

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The first respondent herein had filed a suit in O.S.No.255 of 2015 for the same property before the District Court, Chengalpattu and on 04.09.2015, an order of interim injunction has been granted in I.A.No.524 of 2015 in O.S.No.255 of 2015 restraining the petitioner herein, his men, agents, servants, employees and any other persons claiming through him from in any manner interfering with his peaceful possession and enjoyment of the property until the disposal of the suit.

4. It is also represented before this court that transfer application has been filed and the said application was also ordered and both suits were taken together for joint trial.

5. On perusal of records, it shows that an order of interim injunction has been obtained by the plaintiff/revision petitioner in I.A.No.683 of 2015 in O.S.No.221 of 2015 as early as on 18.08.2015 and the same has been communicated to the first respondent herein. But the first respondent had suppressed all the facts and obtained an interim order on 04.09.2015 in I.A.No.524 of 2015 in O.S.No.255 of 2015. It transpires that the order



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dated 18.08.2015 passed in I.A.No.683 of 2015 in O.S.No.221 of 2015 is the earlier order obtained by the revision petitioner herein. But thereafter, on 04.09.2015, exparte injunction is granted in favour of the first respondent herein, who is the plaintiff in O.S.No.255 of 2015. This court, while taking up the Revision for admission, on 30.09.2015, passed an order suspending the interim injunction granted in I.A.No.524 of 2015 in O.S.No.255 of 2015 dated 04.09.2015.

6. The object of granting an interlocutory injunction is to preserve the matter pending the trial. Even a mandatory injunction can be granted on an interlocutory application but such power should be exercised by the Court sparingly and with great care and caution. An injunction is an equitable remedy and he who seeks equity must do equity and approach the court with clean hands. Hence a party who asks for an injunction must be able to satisfy the Court that his dealing of the matter had been fair and honest and had not acted in an unfair or inequitable manner.

7. In such view of the matter, this court finds that setting aside the



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exparte injunction order granted in I.A.No.524 of 2015 will not in any way cause detrimental effect on the joint trial of both suits and it will not have any impact on the finding and decision to be rendered in the suits filed by both parties. Hence, in the interest of justice, this court deems it fit to set aside the order impugned in this Revision Petition. Accordingly, the order dated 04.09.2015 in I.A.No.524 of 2015 in O.S.No.255 of 2015 passed by the learned District Judge, Chengalpet, is hereby set aside. The trial Judge is directed to complete the trial and dispose of the suits within six months from the date of receipt of a copy of this order. The Civil Revision Petition is allowed with the above direction. Consequently, the connected miscellaneous petition is closed. No Costs. Consequently, connected M.P.No.1 of 2015 is closed.

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To
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1. The District Judge,
Chengalpet.
2. The Judge, Subordinate Court, Tambaram.



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J.NISHA BANU,J.

Msv

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