



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P.No.1009 of 2022
and C.M.P.No.5216 of 2022

1. A.Mohammed Basha
2. Moideen Bee

....Petitioners

Vs.

Ramu

....Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 23.12.2021 by the Learned Principal Sub Ordinate Judge, Kallakurichi in C.M.A.No.2 of 2017 confirming the order and decree in I.A.No.1089 of 2015 in O.S.No.285 of 2015 on the file of the District Munsif at Sankarapuram, dismissing the Civil Miscellaneous Appeal.

For Petitioners : Mr.M.Mohamed Nazar

O R D E R

The defendants in O.S.No.285 of 2015 on the file of the District Munsif, Sankarapuram have approached this Court with this revision petition, challenging the order passed in C.M.A.No. 2 of 2017, which had confirmed the order of Interim Injunction passed by the trial Court in I.A.No.1089 of 2015.

2. The suit is laid for bare injunction, not to disturb the possession and interim injunction sought is along the same lines.

3. Heard the learned counsel for the revision petitioner.

4. The learned counsel submitted that the plaintiff is not in possession of the property and yet an order of injunction came to be passed.

5. This Court perused the records and found that the order of interim injunction does not warrant interference under Article 227 of the Constitution of India. This Court also notices that the suit is in its seventh year of its institution



and therefore its trial and disposal has to be expedited.

6. This Court, therefore, directs the learned District Munsif, Sankarapuram to dispose of the suit within four months from the date of communication of this order, excluding the intervening summer vacation-2022. It is understood that during the final disposal of the suit, the trial Court is required to guard itself against getting influenced by anything that might have influenced its decision for passing an order of interim injunction.

7. The Civil Revision Petition is accordingly disposed of. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rgi/dsa

To

1.The District Munsif,
Sankarapuram.

2.The Principal Subordinate Judge,
Kallakurichi.

+1cc to Mr.Mohamed Nazar, Advocate, S.R.No.24688

C.R.P.No.1009 of 2022

RR(CO)
SB(21/04/2022)