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C.R.P(PD)No.833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.833 of 2022
& CMP.No.4224 of 2022

1.Alok Kumar Chaturvedi
2.Sathish Ramakrishnan

... Petitioners

Vs.

1.Mr.M.K.Venkatasubramanian
2.Mrs.Parvathi
3.Mr.V.Joseph Fernando
4.Mr.B.Melson
5.Mr.E.Rajesh
6.M/s.Simpcon Developers
(Rep by Guruvan Ayyavu - Died)
Rep by its proprietor Mr.Karan Ayyavu,

7.The Sub-Registrar,
Neelankarai Sub Registration Office,
Neelankarai Chennai - 600 0041.

8.The District Collector,
Chengalpattu District,
Chengalpattu.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket order of status quo in



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I.A.No.5/2021 in O.S.No.273/2021 dated 14/9/2021 on the file of Principal District and Sessions Court, Chengalpet.

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For Petitioner : Mr.R.Ravichandran

ORDER

The revision petitioners herein are the defendants in a suit for declaration of title and for other allied relief now pending in O.S.No.273 of 2021 on file of the Principal District and Sessions Court, Chengalpet and they have approached this Court with this Revision to vacate an order of ex-parte interim injunction dated 14.09.2021.

2.Heard the learned counsel for the revision petitioners.

3.This Court understands that the revision petitioners/defendants have not even filed a counter. In deed, the learned counsel for the revision petitioners feels aggrieved that his clients were not heard before the Court passed an ex-parte order of *status quo*. While the Court could not get adequate clarity about the nature of *status quo* which the Court has directed the defendants to preserve, yet, it must be told for the benefit of the revision petitioners that the



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trial Court is well within its power to pass an ex-parte order of injunction or order of status quo in the nature of injunction and the powers of this Court under Article 227 can be invoked, only if the defendant after entering appearance was not heard in the matter beyond 30 days. Here, is a situation where the defendant has not filed his counter. If at all the defendants are keen to have the order of injunction revoked, it is for them to approach the trial Court for the purpose.

4.In fine, this Court does not find any merit in this Civil Revision Petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04.04.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

Tsg/dk

To

The Principal District and Sessions Court,
Chengalpet.



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N.SESHASAYEE, J.,

Tsg/dk

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