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C.R.P (PD) No.1016 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

**C.R.P (PD) No.1016 of 2022**  
**and C.M.P. Nos.5252 & 6252 of 2022**

Hiren J.Thakker

... Petitioner

Vs.

1.Smt.Parul V Metha

2.Nitin P Sejpal

3.Smt.Divya N Sejpal

4.Dilip Kumar G Kanani

5.Shree Coimbatore Gujarat Samaj

Represented by its Secretary Mr.K.V.Shah

No.662, Mettupalayam Road

Coimbatore - 641 002

... Respondents

**PRAYER:** The Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order passed in I.A. No.2 of 2022 in O.S. No.250 of 2022 dated 11.03.2022 on the file of III Additional District Munsif Court, Coimbatore.

|                |   |                                                                                      |
|----------------|---|--------------------------------------------------------------------------------------|
| For Petitioner | : | Mr.V.Vijayakumar                                                                     |
| For R1 to R4   | : | Mr.Sathish Parasaran, Senior Counsel<br>Assisted by Mr.B.Karthikeyan<br>for R1 to R4 |
| For R5         | : | Mr.S.V.Pravin Rathinam                                                               |



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## **ORDER**

Challenging an order of ex-parte interim injunction, this court has entertained the revision and also passed an ex-parte order of stay of the operation of the injunction order passed by the trial Court. The respondents herein, have now come forward with C.M.P. No.6252 of 2022 for vacating the stay.

2. Heard both sides. On perusing the papers, this Court is satisfied that the Court ought to have refrained from passing any interim order of stay on the ex-parte order of interim injunction, and in fitness of things, it should have directed the respondents to agitate that which they are now agitating before this court, before the trial court. In the meantime, the conduct of certain election, which was originally enjoined by the trial court, had taken place, thanks to the order of stay passed by this Court.

3. When the matter came before this court on 08.04.2022, this court directed the new elected office bearers not to assume office till 25.04.2022.

4. Be that as it may, the learned counsel for the revision petitioner submitted



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that some of those who are on the other side, have a change of mind vis-a-vis prosecuting the suit that they have laid. This issue is left open and this may also be ascertained by the trial court.

5. Both sides are now required to appear before the trial court on 26.04.2022 and raise their contention. The revision petitioner is free to agitate all the contentions that he has now raised in this revision before the trial court. However, inasmuch as the election has already taken place, this court does not intend to set aside it for the present, but the current *status quo* as it now prevails continue till the trial court takes a final call in I.A. No.2 of 2022.

6. The revision is accordingly disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.

21.04.2022

Asr

**Note to office:**

Issue order copy today.

**N.SESHASAYEE, J.,**



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Asr

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To  
The III Additional District Munsif, Coimbatore

C.R.P(PD)No.1016 of 2022 and  
C.M.P. Nos.5252 & 6252 of 2022

21.04.2022