



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 1136 of 2016

1. Devaki
2. Geetha
3. Saravanan

...Petitioners

Versus

M. Arunachalam

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.01.2016 made in I.A.No. 157 of 2016 in O.S.No.536 of 2014 on the file of District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kanchipuram District.

For Petitioners : Mr.S.Ganesh

For Respondent : Mr.R.Agilesh

O R D E R

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 28.01.2016 made in I.A.No.157 of 2016 in O.S.No.536 of 2014 on the file of District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kanchipuram District.

2. The petitioners are the defendants and the respondent is the plaintiff in the original suit. The respondent/plaintiff filed the suit in O.S.No.536 of 2014 before the District Munsif Court-cum-Judicial Magistrate, Sriperumpudur. During the pendency of the suit, the respondent/plaintiff has filed an I.A.No.157 of 2016 under Section 151 of CPC., seeking a direction to the Inspector of Police, Mangadu Police Station to grant police protection to the petitioner's peaceful possession and enjoyment of the suit property and the same was allowed by order dated 28.01.2016. Aggrieved by the same, the petitioners/defendants have filed the present Civil Revision Petition.



3. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent and perused the materials available on record.

4. On a perusal of the records, it is seen that the respondent/plaintiff has filed the suit in O.S.No.536 of 2014 before the District Munsif Court, Sriperumbudur, for permanent injunction. Pending the suit, the respondent/plaintiff has filed Interlocutory application in I.A.No.157 of 2016 in O.S.No.536 of 2014 under Section 151 of CPC., seeking direction to the Inspector of Police, Mangadu Police Station to grant police protection to the petitioner's peaceful possession and enjoyment of the suit property and the said application was allowed on 28.01.2016, against which, the present revision case is filed.

5. The learned counsel for the revision petitioners/defendants contended that the trial Court has erroneously granted the interim police protection in favour of the respondent/plaintiff in order to execute the order passed in I.A.No.1828 of 2014, dated 25.09.2015, wherein, the plaintiff got interim injunction with regard to enjoyment of the suit property.

6. The learned counsel further contended that challenging the interim order passed in I.A.No.1828 of 2014, the appeal CMA.No.77 of 2016 has been preferred and the same is pending before the Subordinate Judge, Kancheepuram District.

7. The learned counsel for the respondent/plaintiff contended that the interim injunction granted by the Court below, is challenged in CMA.No.77 of 2016 hence, at this stage, the police protection given by the Court below need not be interfered for the reason of the pendency of the CMA. Considering both submissions as well as pending the said CMA before the Subordinate Judge, Kancheepuram, is hereby directed to dispose of CMA.No.77 of 2016 within a period of three months from the date of receipt of a copy of this order. However, liberty is granted to the petitioners/defendants to challenge the order granting police protection after disposal of the said CMA.

8. Accordingly, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



To

- 1.The District Munsif-cum-Judicial Magistrate Court,
Sriperumbudur,
Kanchipuram District.

Copy to:

- 1.The Subordinate Judge,
Kancheepuram.
- 2.The Section Officer,
V.R.Section,
High Court,
Madras.

+1cc to Mr.S.Ganesh, Advocate SR. No. 2437

C.R.P.No. 1136 of 2016

PMK (CO)
PR (14/03/2022)