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C.R.P (NPD) No.1542 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (NPD) No.1542 of 2022
and C.M.P. No.7808 of 2022

Vijaya

... Petitioner

Vs.

1.Arumugam
2.Anbarasan
3.Tamizmaran
4.Elumalai

... Respondents

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the judgment and decree dated 15.2.2021 passed in C.M.A. No.7 of 2018 on the file of Sub Court, Panruti confirming the fair and the decretal order dated 12.3.2018 passed in I.A. No.587 of 2016 in O.S. No.107 of 2016 before the District Munsif Court, Panruti.

For Petitioner : Mr.T.Sezhian



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ORDER

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The revision is filed challenging the concurrent orders of the trial court as well as the appellate court, by which the revision petitioner was enjoined from disturbing plaintiffs' peaceful possession.

2. The learned counsel for the revision petitioner submitted that both the courts below failed to consider certain documentary evidence produced by the revision petitioner.

3. While considering a prayer for interim injunction, the trial court only considers the existence of a strong *prima facie* case along with the other criteria viz. judicial value for grant of temporary injunction. Ultimately, it is a question of fact and this court does not want to engage itself in a serious discussion of the same.

4. The suit itself is now six years old and it is high time that the trial kick started. The trial court is now required to dispose of the suit within a period of four months, latest by September, 2022. The trial court is required to caution itself not to be influenced by any observations or findings that it may have



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made in its order in I.A. No.587 of 2016 and in the order of the appellate court in C.M.A. No.7 of 2018.

5. The revision is accordingly disposed of. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

28.04.2022

Asr

To

- 1.The Subordinate Judge, Panruti
- 2.The District Munsif, Panruti



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N.SESHASAYEE, J.,

Asr

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