



WEB COPY



C.R.P.(NPD).No.1838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(NPD).No.1838 of 2022

Viji

... Petitioner

Vs.

1.Chandran

2.Velu

3.Murthy

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and order dated 06.09.2021 made in C.M.A.No.20 of 2020 on the file of the learned Subordinate Judge Court, Chengam, Tiruvannamali District.

For Petitioner : Mr.M.G.Ramachandiran

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Chengam, Tiruvannamali District dated 06.09.2021 made in C.M.A.No.20 of 2020.



C.R.P.(NPD).No.1838 of 2022

2. The petitioner is the plaintiff in the suit. The suit has been filed for the relief of declaration and permanent injunction. During the pendency of the suit, a petition was filed in I.A.No.438 of 2016 for the relief of temporary injunction till the disposal of the suit and the same was allowed. But, the order was challenged by the defendant in C.M.A.No.20 of 2020 and the learned subordinate Judge, Chengam allowed the Civil Miscellaneous Appeal and reversed the order of the learned Principal District Munsif, Chengam passed in I.A.No.438 of 2016. Aggrieved over that this Civil Revision Petition has been preferred.

3. The learned counsel for the petitioner submitted that despite the trial Judge had rightly appreciated the *prima facie* case and balance of convenience in favour of the petitioner, the learned subordinate Judge did not accept the same. It is further submitted that the plaintiff is in possession of the property and his possession over the property should be protected by way of giving the relief of temporary injunction.

4. It is reliably understood that the trial has already been commenced in the suit and it is now pending for DW1's cross examination. In such



C.R.P.(NPD).No.1838 of 2022

circumstances, there is every possibility that the suit itself can be disposed.

Hence, I feel the interest of Justice would be served, if direction alone is given to the learned trial Judge to dispose of the suit as expeditiously as possible.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

However, the learned trial Judge is directed to dispose the suit as expeditiously as possible.

17.06.2022

Index: Yes/No

Speaking / Non Speaking Order

dsa

To

The Subordinate Judge, Chengam,
Tiruvannamali District.



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C.R.P.(NPD).No.1838 of 2022

R.N.MANJULA, J

dsa

C.R.P.(NPD).No.1838 of 2022

17.06.2022