



C.R.P.No.3206 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3206 of 2022
and C.M.P.No.17063 of 2022

M.Elangovan

.. Petitioner

Vs.

1. Jegatheesh
2. Lokesh

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the judgment and decree dated 01.02.2021 passed in C.M.A.No.49 of 2017 passed by Learned Subordinate Court, Jeyankondam in confirming the Fair and Decreetal order passed in I.A.No.880 of 2015 in O.S.No.228 of 2015, dated 26.04.2017, by the Learned District Munsif Civil Court, Jeyankondam.

For Petitioner : Mr.A.Manojkumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Subordinate Court, Jeyankondam, confirming the interim injunction granted in favour of the respondent/plaintiffs in I.A.No.880 of 2015 in O.S.No.228 of 2015.

2. The respondents herein filed a suit for declaration and injunction



C.R.P.No.3206 of 2022

against the petitioner in O.S.No.228 of 2015. Pending suit, the respondents sought interim injunction in I.A.No.880 of 2015 in O.S.No.228 of 2015. The said interim injunction application was allowed on merits on 26.04.2017. Aggrieved by the said order, the revision petitioner filed an appeal before the Subordinate Court, Jeyankondam in C.M.A.No.49 of 2017. The said miscellaneous appeal came to be dismissed on 01.02.2021 and aggrieved by the same, the petitioner herein has come up by way of this revision.

3. The Trial Court based on revenue documents Ex.P4 to R7 came to the prima facie conclusion that respondents established their possession and granted temporary injunction. The said order was confirmed by Appellate Court. This Court does not find any patent irregularity in the concurrent conclusions reached by Court below. The other issues raised by petitioner regarding title dispute is a matter to be adjudicated in main suit. Admittedly the respondents have been enjoying the order of interim injunction from April 2017 to till date. Therefore, this Court is not inclined to entertain this revision and instead taking into consideration the suit is of the year 2015, a direction is given to the learned District Munsif Civil Judge, Jeyankondam, to dispose of the suit in O.S.No.228 of 2015 within a period of six (6) months from the date of receipt of a copy of this order.



C.R.P.No.3206 of 2022

WEB COPY 4. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2022

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Index: Yes/ No

Internet : Yes / No

To

1. The Subordinate Court,
Jeyankondam.
2. The District Munsif Civil Court,
Jeyankondam.



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C.R.P.No.3206 of 2022

S.SOUNTHAR, J.

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C.R.P.No.3206 of 2022
and C.M.P.No.17063 of 2022

11.10.2022



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C.R.P.No.3206 of 2022