



C.R.P(PD)No.2384 of 2017

and CMP.No.11227 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(PD).No.2384 of 2017

and

CMP.No.11227 of 2017

1.Chandran

2.Murugan

3.Gopi

..Petitioners

Vs.

Saritha

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the impugned order dated 24.05.2017 in I.A.No.27 of 2017 in O.S.No.13 of 2017 on the file of the learned Vacation Civil Judge, Dharmapuri.

For Petitioners : Mr.S.Subramanian

For Respondent : Mr.S.Parthasarathy,

Senior Counsel for

Mr.P.Dinesh Kumar



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ORDER

The defendants in O.S.No.13 of 2017 has filed the present Civil Revision Petition questioning the order in I.A.No.27 of 2017 dated 24.05.2017 passed by the Vacation Civil Judge in Dharmapuri.

2.The suit was filed in the vacation Court in May, 2017 and an Interlocutory Application had been filed seeking interim injunction in I.A.No.27 of 2017. The suit in O.S.No.13 of 2017 had been filed by the respondent herein / plaintiff seeking permanent injunction restraining the defendants / revision petitioners from interfering with peaceful possession of the suit property, which was a vacant land together with the right of pathway and measuring 2 acres in Survey No.59 and measuring 0.81 and ½ acres in larger area of 0.33.0 hectares and situated at Marandahalli village , Palacode in Dharmapuri District.

3.It is represented by the learned counsel for the petitioners herein that even before the Vacation Judge, the 3rd defendant was represented by an Advocate, who sought time for filing counter but overriding that particular



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request, an interim injunction till disposal of the suit was granted, necessitating filing of the present Civil Revision Petition.

4.In view of the fact that the issue of possession has not been decided, which is essential to grant any interim injunction either in favour of the plaintiff or to even decide whether the injunction should or should not be granted, it will only be appropriate that the parties are relegated back to the Trial Court and a directed is given to re-hear I.A.No.27 of 2017 in entirety and a considered order passed on merits.

5.Let me not make any observation with respect to the rival contentions made but the order under revision certainly requires to be interfered as grant of permanent injunction in the first hearing date in a Vacation Court when a representation was made seeking opportunity to file a counter, cannot pass the scrutiny of this Court and requires interference. It is interfered with.



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6.However, since the order of injunction had been granted, let that remain for a limited period and be extended hearing after hearing. Let the hearing in the I.A.No. 27 of 2017 be completed on or before 31.07.2022.

7.The suit in O.S.No.80 of 2017 is now pending before the District Munsif Court at Palacode. The District Munsif, Palacode is directed to re-hear I.A.No.27 of 2017 or rather the application seeking interim injunction afresh, giving an opportunity to file counter and dispose it on or before 31.07.2022.

8.With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

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To:-

The District Munsif Court,
Palacode.



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C.V.KARTHIKEYAN, J.

KKN

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