



WEB COPY

C.R.P (MD) No. 1



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1212 of 2022

and

C.M.P (MD) No.4925 of 2022

Riyas

... Petitioner/12th Respondent/
12th Defendant

Vs

1.Mohamed Yasin

2.Santhanam

3.Dr.Narkis Banu

4.Ismail Bhuhari

5.Janathulla

Sheik Abdulla (died)

6.Jeenath

7.Laila Beevi

8.Ummu Habeeba

9.Syed Ahamedu Fathima

10.Fathimuthu Jehara

11.Mohammed Haniba

12.Mohadum Fathima

13.Rajiya Begam

14.Raghuma Beevi Sajitha

15.Rahmath Sihana

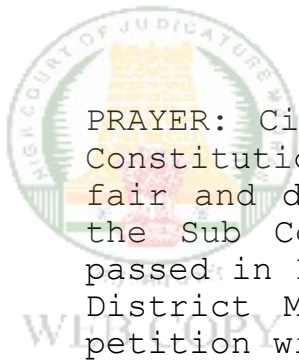
16.Minor Muhammed Pavusan

(Minor Appellant rep.by his mother
and next guardian the 15 th appellant)

17.Mahendran

(No relief is claimed against
respondents 1 to 16)

... Respondents



PRAYER: Civil Revision Petition is filed under Article 22 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 04.04.2022 in C.M.A.No.9 of 2017 by the Sub Court, Tiruchendur confirming the order dated 11.10.2012 passed in I.A.No.213 of 2012 in O.S.No.52 of 2012 on the file of the District Munsif Court, Tiruchendur and allow this civil revision petition with costs.

For Petitioner : Mr.G.Prabhu Rajadurai

ORDER

This civil revision petition has been filed as against the fair and decreetal order dated 04.04.2022 in C.M.A.No.9 of 2017 passed by the learned Sub Judge, Tiruchendur.

2.The petitioner / 12th defendant in the suit filed a suit in O.S.No.52 of 2012 on the file of the learned District Munsif, Tiruchendur. Pending suit, the plaintiff took out an interlocutory application in I.A.No.213 of 2012 under Order 39 Rules 1 and 2 of CPC for temporary injunction. The said application was allowed on 11.10.2012. As against which, the defendants filed an appeal in C.M.No.9 of 2017 before the learned Sub Judge, Tiruchendur and the same was dismissed by order dated 04.04.2022. Aggrieved over the same, the present civil revision petition is filed.

3.The learned Counsel for the petitioner submits that the defendants have disputed the possession of the plaintiff and they have also filed a written submission. However, both the courts without appreciating the same, came to the conclusion that possession was with the plaintiff and granted an interim injunction. This granting of interim injunction, according to the petitioner, would amount to granting of the main relief itself.

4.The suit is of the year 2012 and it was filed for permanent injunction. The trial Court granted an order of injunction in the year 2012 and the suit is pending for more than 10 years as of now. Under such circumstances, this civil revision petition is disposed with a direction to the trial Court to dispose of the suit in O.S.No.52 of 2012, within a period of four months from the date of the receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To

1.The Subordinate Judge,
Tiruchendur.

2.The District Munsif,
Tiruchendur.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.G. PRABHU RAJADUAI, Advocate (SR-27383[F] dated
22/06/2022)

C.R.P (MD) No.1212 of 2022
21.06.2022

RK/05.07.2022 : 3P/6C