



CRP(MD)No.1566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM:

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

CRP(MD)No.1566 of 2022
and
CMP(MD)No.6734 of 2022

M.Paranimala

: Petitioner

Vs.

1.R.Preethi

2.S.Karikalan

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the order dated 01.06.2022 passed by the learned District Munsif, Theni, in I.A.No.2 of 2022 in O.S.No.70 of 2022 and set aside the same.

For Petitioner : Mr.K.Chengizkhan

ORDER

This revision petition is filed as against the order of adjournment dated 01.06.2022, passed by the learned District Munsif, Theni, in I.A.No.2 of 2022 in O.S.No.70 of 2022.



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2.The petitioner, as plaintiff, has filed the suit in O.S.No.70 of 2022 for a bare injunction as against the respondents / defendants. He has also filed an interlocutory application in I.A.No.2 of 2022 under Order 39 Rule 1 CPC for a temporary injunction. The application was filed on 26.04.2022 and taken up for hearing on 01.06.2022. The respondents / defendants entered appearance on the said date and sought time for filing counter affidavit. The trial Court has granted three months time and adjourned the matter to 01.09.2022. Aggrieved, the petitioner preferred this civil revision petition.

3.The grievance of the petitioner is that the respondents / defendants have encroached upon the suit schedule property and are attempting to put up some constructions therein. Therefore, the petitioner has preferred a police complaint and thereafter, has instituted the suit. The respondents in order to create some records are taking long time to file counter affidavit and the trial Court has also entertained the same without considering the interim application filed in the suit.

4.This Court is convinced with the plea raised by the petitioner's Counsel. Granting three months time for filing of counter affidavit in an interlocutory



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application, which was filed for an interim relief pending the suit, is not proper.

Therefore, the trial Court is directed to take up the interlocutory application in I.A.No.2 of 2022 for hearing and dispose of the same, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

With the above direction, this civil revision petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Index : Yes / No
Internet : Yes
gk

02.08.2022

To

The District Munsif,
Theni.



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B.PUGALENDHI, J.

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