



CRP(PD)(MD)No.1914 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1914 of 2022

and

C.M.P.(MD)No.8649 of 2022

M.Chitra

... Petitioner

versus

1. Eswari
2. Karuppasamy
3. Pon Irulan
4. Nagammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 25.01.2021 passed in I.A.No.28 of 2019 in I.A.No.436 of 2015 in O.S.No.23 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Athoor.

For Petitioner : Mr.R.Shankarganesh



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ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 25.01.2021 passed in I.A.No.28 of 2019 in I.A.No.436 of 2015 in O.S.No.23 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Athoor.

2. The petitioner has filed the above interlocutory application in I.A.No.28 of 2019, seeking police protection to implement the order of injunction passed by the learned Principal District Munsif, Dindigul, in I.A.No.436 of 2015 in O.S.No.419 of 2015, dated 02.06.2017.

3. The petitioner/plaintiff has filed a suit in O.S.No.419 of 2015 before the Principal District Munsif Court, Dindigul, seeking the relief of declaration and consequential injunction as against the respondents/defendants. She has also filed an interlocutory application in I.A.No.436 of 2015 under Order 39 Rules 1 and 2 C.P.C. seeking an



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order of interim injunction, which was granted by the learned Principal District Munsif, Dindigul, by order dated 02.06.2017. The grievance of the petitioner is that despite the order of interim injunction granted by the Principal District Munsif Court, the respondents/defendants put up some obstruction in front of her house. Therefore, she filed I.A.No. 904 of 2019 seeking police protection. Thereafter, the suit in O.S.No. 419 of 2015 was transferred to the District Munsif cum Judicial Magistrate, Athoor and renumbered as O.S.No.23 of 2019 and the application filed in I.A.No.904 of 2019 seeking police protection was also renumbered as I.A.No.28 of 2019. The trial Court, by order dated 25.01.2021, rejected the above interlocutory application on the ground that the petitioner has not established that any obstruction has been made by the respondents/defendants in the suit schedule property against the injunction granted in I.A.No.436 of 2015. Aggrieved over the same, the present Civil Revision Petition is filed.



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4. The learned counsel for the petitioner submits that the respondents/defendants have taken a specific plea that they are doing some business in a moving cart in the suit schedule property. However, the same has not been considered by the Trial Court for passing an order to provide police protection as claimed in I.A.No.28 of 2019.

5. This Court considered the submissions made on behalf of the petitioner and also perused the orders.

6. The suit was filed in the year 2015. The Principal District Munsif Court, after considering the case made out by the petitioner, granted an order of interim injunction in I.A.No.436 of 2015 on 02.06.2017. Now, it is the grievance of the petitioner that the respondents/defendants have not complied with the order of injunction and they are still keeping a moving cart and doing some business in the suit schedule property.



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7. Considering the fact that the suit was filed in the year 2015, pleadings have been completed and case is also ripe for trial, this Court, without expressing anything on merits, is inclined to dispose of the Civil Revision Petition, with a direction to the trial Court to conclude the trial in O.S.No.23 of 2019.

8. Accordingly, the Civil Revision Petition is disposed of with a direction to the trial Court to conclude the trial and dispose of the suit in O.S.No.23 of 2019 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

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B.PUGALENDHI, J.

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To

1. The District Munsif cum Judicial Magistrate Court,
Athoor.

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