



C.R.P.No.1087 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition.No.1087 of 2023

and

Civil Miscellaneous Petition.No.7724 of 2023

Joseph

... Petitioner

Vs.

G.Vijayakumari

.... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the judgment and decree dated 19.12.2022 made in C.M.A.No.28 of 2017 on the file of the Sub-Ordinate Judge, Poonamallee.

For Petitioner : Mr.V.R.Appaswamee

ORDER

Heard the learned counsel for the petitioner and perused the material available on record.

2. This Civil Revision Petition is filed aggrieved by the orders passed



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in C.M.A.No.28 of 2017 dated 19.12.2022 on the file of the Sub-Ordinate Judge, Poonamallee, granting interim injunction against the petitioner herein in respect of the suit schedule property.

3. Originally, the respondent has filed a suit against the petitioner/defendant in O.S.No.238 of 2017, for grant of perpetual injunction and the respondent has filed I.A.No.481 of 2017, seeking interim injunction and the said petition was dismissed. Aggrieved by the same, the respondent had preferred C.M.A.28 of 2017, on the file of the Sub-Ordinate Judge, Poonamallee and the same was allowed.

4. On considering the submissions made by the learned counsel for the petitioner and on perusal of the record, it is clear that the suit was filed in the year 2017, the petitioner has also filed written statement in the year 2018 and the issues were also framed. Since, it is simple suit for injunction, pleading have also been completed and ripe for disposal, it is appropriate to dispose of the Civil Revision Petition by giving certain direction to the trial Court to take up the main suit itself.

5. Accordingly, this Civil Revision Petition is disposed of with a



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direction to the trial Court to take up the trial in main O.S.No.238 of 2017 and dispose of the same as expeditiously as possible, not later than eight months. No costs. Consequently, connected C.M.P.No.7724 of 2023 is closed.

18.04.2023

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To

The Sub Ordinate Judge,
Poonamallee.



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Dr. D. NAGARJUN, J.

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