



C.R.P.No.1673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM:

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

C.R.P.No.1673 of 2023 &
C.M.P.No.10907 of 2023

1.M.P.Mohandass
2.M.Kamalakannan

... Petitioners

Vs.

M/s.Gazy Mag Private Ltd.,
Rep. By its Managing Director/Authorized Signatory,
Mr.S.Prabhu Kumar,
Door No.111, 5th Floor, N.P.L.Devi,
L.B.Road, Thiruvanmiyur,
Chennai-600 041.

... Respondent

PRAYER : Civil Revision Petition has been filed under Article 227 of the Constitution of India, pleased to set aside the order dated 04.05.2023 passed in I.A.No.3 of 2023 in O.S.No.3299 of 2023 on the file of Learned III Assistant Judge, City Civil Court at Chennai.

For Petitioners : Mr.R.Sankara Subbu

For Respondent : Mr.V.Raghavachari, Senior Counsel
for M.Shainsha for Caveator



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ORDER

WEB COPY This Civil Revision Petition has been preferred against the order granting an ad-interim injunction by the City Civil Court, Chennai under Order XXXIX Rule 3(a) of C.P.C. restraining the revision petitioners from interfering with the respondent's peaceful possession and enjoyment of the suit schedule property till 01.06.2023.

2. The trial Court has posted the matter for appearance of the petitioners on 01.06.2023. They have also received notice in the said interim application. The petitioners, instead of filing a counter or an appropriate application to vacate the *ex parte* interim injunction granted by the trial Court, have chosen to file the present civil revision petition.

3. When remedy is available under the Code of Civil Procedure, it is only appropriate to avail of the same. This Court finds that this Civil Revision Petition is not maintainable. However, considering the grievance of the revision petitioner that their rights are very seriously prejudiced, the trial Court is directed to take up I.A.No.3 of 2023 on day-to-day basis and pass final orders on or before 10.06.2023. It is also open to the revision petitioners



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to move the vacation Court in the City Civil Court, Chennai and seek for early disposal of the interim application, if such application is permitted and moved, in such event, the trial Court shall ensure that the final orders are passed on or before 31.05.2023.

4. With the above direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
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11.05.2023

To
Learned III Assistant Judge,
City Civil Court at Chennai.

P.B.BALAJI, J.



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