



WEB COPY

C.R.P.No.3399 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3399 of 2022

and

C.M.P.No.18075 of 2022

P.Sivaraj

... Petitioner

Vs.

M/s.Lakshmi Machine Works Ltd,
Rep by its Company Secretary
C.R.Shivkumaran

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order passed in C.M.A.No.4 of 2019 dated 25.07.2022 on the file of the Subordinate Court, Udumalpet, reversing the order and decreetal order dated 15.04.2019 passed in I.A.No.1418 of 2017 in O.S.No.320 of 2017 on the file of District Munsif Court, Udumalpet.

For Petitioner : Mr.C.Jagadish

For Respondent : Mr.N.Sridhar



ORDER

The civil revision petition filed against the fair and decreetal order passed in C.M.A.No.4 of 2019 dated 25.07.2022 reversing the order and decreetal order dated 15.04.2019 passed in I.A.No.1418 of 2017 in O.S.No.320 of 2017.

2. The revision petitioner is the defendant in O.S.No.320 of 2017, which was instituted by the respondents for permanent injunction. The Trial Court declined to grant interim injunction in the Interlocutory Application filed along with the Suit. The respondent herein preferred C.M.A.No.4 of 2019 against the order of dismissal passed by the Trial Court and the Appellate Court granted interim injunction against which the present civil revision petition is preferred.

3. The revision petitioner also filed another Suit in O.S.No.312 of 2017 for the relief of permanent injunction, which is also pending. Both the Suits are ripe for trial and the learned counsel for the respondent brought to the notice of this Court that the trial had commenced and listed for hearing on 14.02.2023. Thus, it is for the parties to proceed with the trial and establish their respective cases on merits and in accordance with law. The injunction was granted by the



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Appellate Court on 25.07.2022, which is in force for the past about seven months and under these circumstances, this Court is not inclined to interfere with the order leaving open the merits raised between the parties for adjudication in the Suit.

4. In view of the facts and circumstances, the Trial Court is directed to proceed with the trial and dispose of the Suit as expeditiously as possible and the parties are directed to cooperate for earlier disposal of the both the Suits.

5. With the abovesaid directions, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.02.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

1. The Judge,
Subordinate Court,
Udumalpet.

2. The Judge,
District Munsif Court,
Udumalpet.

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S.M.SUBRAMANIAM, J.

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