



C.R.P. No.3268 of 2019 and
C.M.P. No.21244 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3268 of 2019 and
C.M.P. No.21244 of 2019

M.Suseela

... Petitioner

Vs.

Vasuki

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 27.06.2018 passed in C.M.A. No.03 of 2016 on the file of learned Principal Subordinate Judge, Mayiladuthurai reversing the fair and decretal order in I.A. No.383 of 2015 in O.S. No.223 of 2015 dated 11.04.2016 on the file of Principal District Munsif, Mayiladuthurai.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.B.Jawahar

ORDER



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The revision petitioner before this court is the plaintiff in O.S. No.223 of 2015 on the file of the Principal District Munsif Court at Mayiladuthurai, and has laid the suit for bare injunction against his lessors. Before the trial court, she moved I.A. No.383 of 2015 for an order of interim injunction to protect her possession. The trial court granted an order of *status quo*. This was challenged by the defendant in C.M.A. No.3 of 2016 and in the course of the hearing, the appellate court had an occasion to hold *prima facie* that the documentary evidence relied on by the tenant in support of her prayer for interim injunction has been obtained after the institution of the suit and hence they are not reliable for granting an order of interim injunction/*status quo*, and hence vacated the order of *status quo* granted by the trial court. This is now under challenge in this revision.

2. The learned counsel for the revision petitioner submits that the suit was laid in 2015 whereas the documents she has relied are prior to that and that the appellate court has come to a wrong conclusion based on wrong line of reasoning.



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3. Since the matter relates to an order of *status quo* and since the plaintiff/revision petitioner does not have an order of *status quo* before this court for the last four years, this court does not consider it necessary to halt the trial of the case and that the trial of the case shall commence at the earliest. On checking the on-line status of the original suit in O.S. No.223 of 2015, the trial court adjourned the same to 07.06.2023 on the ground that the CRP is pending before this court.

4. In such view of the matter, the civil revision petition is disposed of. The learned trial Judge is required to advance the hearing of the suit in O.S. No.223 of 2015 to an earlier date for commencement of the trial. No costs. Consequently, the connected civil miscellaneous petition is closed.

12.04.2023

Asr

To

The Principal District Munsif, Mayiladuthurai



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N.SESHASAYEE, J.,

Asr

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