



C.R.P.(MD)No.263 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.263 of 2022

and

C.M.P.(MD)Nos.1225 and 4621 of 2022

S.Jayamani,
District Secretary,
Dindigul Maavatta Paper Mills
Thozhilalar Sangam - AITUC,
No.30/13, Scheme Road,
Dindigul.

.. Petitioner

Versus

GMJ Paper and Boards Pvt. Ltd.,
Saminathapuram, Palani Taluk,
Rep. by its Director,
Jacob Mathew

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Subordinate Judge, Palani, to stay of C.M.A.No.1 of 2021, on the file of the Principal Subordinate Judge, Palani, in I.A.No.2 of 2020, on the file of the District Munsif Court, Palani, in O.S.No.11 of 2020.

For Petitioner	:	Mr.G.M.Xavier
For Respondent	:	Mr.S.Ramesh



C.R.P.(MD)No.263 of 2022

ORDER

WEB COPY This Civil Revision Petition has been filed to set aside the fair and ex-order dated 02.12.2021 made in C.M.A.No.1 of 2021, on the file of the Principal Subordinate Judge, Palani, confirming the fair and ex-order dated 23.12.2020, passed in I.A.No.2 of 2020 in O.S.No.11 of 2020, on the file of the District Munsif Court, Palani.

2.The petitioner is the defendant in O.S.No.11 of 2020 before the District Munsif Court at Palani. The said suit has been filed by the respondent for a bare injunction. In the said suit, the respondent had also filed I.A.No.2 of 2020 for an interim relief under Order XXXIX Rules 1 to 3 and Section 151 of C.P.C.

3.The learned District Munsif, Palani, has allowed the application on 23.12.2020. Aggrieved by the same, the petitioner herein, who was the defendant in the suit, had filed C.M.A.No.1 of 2021 before the Principal Subordinate Court, Palani. The learned Principal Subordinate Judge, Palani, vide the impugned judgment and decree, dated 02.12.2021, has dismissed the said appeal. Aggrieved by the same, the petitioner has now before this Court with the present Civil Revision Petition.



4.It is noticed that the petitioner has secured an interim order from this Court on 16.02.2022. The respondent has also filed counter affidavit on an application for vacating the interim order. However, the case has been adjourned from time to time. The case records also indicate that the petitioner has also filed a written statement before the District Munsif Court at Palani on 03.11.2020.

5.Considering the above, I do not find any merit in the present Civil Revision Petition. Therefore, the present Civil Revision Petition is liable to be dismissed. Considering the fact that the petitioner has also filed the written statement, the learned District Munsif, Palani, is directed to proceed with the trial after framing issues. The learned District Munsif, Palani, shall endeavour to dispose the suit as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order.

6.This Civil Revision Petition stands dismissed with the above observation and direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

25.04.2023

1.The Principal Subordinate Judge,
Palani.

2 The District Munsif, Palani.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.263 of 2022

25.04.2023