



C.R.P.(MD)No.1147 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

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**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

C.R.P.(MD)No.1147 of 2021

and

C.M.P.(MD)Nos.6697 and 6698 of 2021

M.Baskaran

.. Petitioner

Versus

1.M.Dhosan

2.M.Raj

3.The Junior Engineer,

Tamil Nadu Electricity Board (Distribution),

Moolachel, Thuckalay Division.

.. Respondents

**Prayer :-** Petition filed under Article 227 of the Constitution of India, to set aside the fair order dated 22.04.2021, made in I.A.No.2 of 2020 in O.S.No.6 of 2020, on the file of the Additional District Munsif Court, Padmanabhapuram.

For Petitioner : Mr.G.Prithiviraj

For R1 and R2 : Mr.M.R.Srinivasan

For R3 : No Appearance

**ORDER**

The petitioner is the first defendant in O.S.No.6 of 2020 before the Additional District Munsif Court, Padmanabhapuram.



2.The petitioner is aggrieved by the impugned order dated 22.04.2021, made in I.A.No.2 of 2020 in O.S.No.6 of 2020, on the file of the Additional District Munsif Court, Padmanabhapuram.

3.By the impugned order, the learned Additional District Munsif, Padmanabhapuram, has allowed I.A.No.2 of 2020 filed by the respondents 1 and 2 to restrain the petitioner from interfering with the peaceful and enjoyment of the suit schedule property.

4.Aggrieved by the same, the petitioner has now filed this Civil Revision Petition under Article 227 of the Constitution of India.

5.The Civil Revision Petition either under Order 115 of C.P.C. or under Article 227 of the Constitution of India against an interim order passed under Order XXXIX Rules 1 and 2 of C.P.C. is not maintainable. The petitioner has an alternate remedy by way of Civil Miscellaneous Appeal before the first Appellate Court. The issue has also been answered by this Court on an earlier occasion in the case of **Governing Council of American College, A Registered Society, Rep. by its Secretary/Principal, Madurai, and another vs. Dr.M.Davamani Christo**ber reported in **2010 (3) CTC 604**.



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6. In view of the above, this Civil Revision Petition is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed. However, liberty is given to the petitioner to work out his remedy before the first Appellate Court, if so advised.

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
smn2

09.06.2023

To

1. The Additional District Munsif,  
Padmanabhapuram.
2. The Junior Engineer,  
Tamil Nadu Electricity Board (Distribution),  
Moolachel, Thuckalay Division.



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**C.SARAVANAN, J.**

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Order made in  
C.R.P.(MD)No.1147 of 2021

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