



C.R.P.(MD) No.1855 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1855 of 2023

and

C.M.P.(MD) No.9302 of 2023

P.Govindaraj

... Petitioner

Vs.

J.Jamesh Palraj

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 06.07.2023 passed in unnumbered I.A.No. of 2023 in O.S.No.77 of 2018 on the file of the learned Principal District Judge, Dindigul.

For Petitioner : Mr.M.P.Senthil

ORDER

The above Civil Revision Petition has been preferred by the petitioner to set aside the impugned docket order dated 06.07.2023 passed by the learned Principal District Judge, Dindigul in unnumbered I.A.No. of 2023 in O.S.No. 77 of 2018.



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2. According to the petitioner, since the respondent attempted to dispossess the petitioner from the suit property, the petitioner earlier filed I.A.No.133 of 2018 before the Trial Court for an order of interim injunction restraining the respondent from interfering with the peaceful possession and enjoyment of the suit property. The said I.A.No.133 of 2018 was closed by the Trial Court on the ground that the trial has commenced. It is submitted that at that time, there is no imminent threat of dispossession on the part of the respondent and therefore, the petitioner has not objected to the closure of the said I.A.No.133 of 2018.

3. The learned counsel appearing for the petitioner would submit that at present, the respondent is attempting to forcibly dispossess the petitioner from the suit property with the aid of the unruly elements and therefore, the petitioner moved an application before the Trial Court in unnumbered I.A.No. of 2023 for an order of ad-interim injunction restraining the respondent from interfering with the peaceful possession and enjoyment of the suit property.

4. He would further submit that the Trial Court has returned the said unnumbered I.A. with an endorsement to rectify the defects, but, orally, the



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learned Trial Judge has stated that the interim stay application will not be entertained since the trial has commenced. It is submitted that the defects were carried out for representing the I.A. and due to the oral observation of the learned Trial Judge, the petitioner has approached this Court for a direction to the learned Trial Judge to number the said I.A.

5. It is further submitted that the petitioner is in peaceful possession and enjoyment of the suit property by putting up a house in the said suit property and if the respondent dispossesses the petitioner from the suit property, the petitioner will be put to immense hardship and irreparable loss. Therefore, the petitioner seeks for a direction to the learned Principal District Judge, Dindigul to number the said interim injunction application and pass suitable orders.

6. Considering the facts and circumstances of the case, the petitioner is directed to re-present the I.A. for ad-interim injunction before the Trial Court and the learned Principal District Judge, Dindigul is directed to number the said I.A., if it is in order and dispose the same on merits.



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K.GOVINDARAJAN THILAKAVADI, J.

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7. Accordingly, this Civil Revision Petition is disposed of. No cost.
Consequently connected Miscellaneous Petition is closed.

31.07.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To
The Judge,
Principal District Court,
Dindigul.

Note : Registry is directed to return the original of the
petition to the learned counsel for the petitioner.

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