



C.R.P.(MD)No.3297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3297 of 2023
and
C.M.P.(MD)No.16995 of 2023

R.Rajendran

: Petitioner/Respondent/
Defendant

Vs.

P.Gnanasekar

: Respondent/Petitioner/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the the petition and order, dated 29.04.2023 in I.A.No.2 of 2023 in O.S.No.235 of 2023 on the file of the II Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.G.Prabhu Rajadurai

ORDER

The Civil Revision Petition is directed against the order passed in in I.A.No.2 of 2023 in O.S.No.235 of 2023 dated 29.04.2023 on the file of the II Additional District Munsif, Tiruchirappalli, granting status quo.



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2. The learned counsel for the petitioner would submit that the respondent has filed the above suit claiming permanent injunction and also an application for temporary injunction restraining the defendants and their men or in any way interfering with his peaceful contract agreement possession of the petition mentioned property except through due process of law, either by preventing him from putting up constructions or by removing building materials from the property till the disposal of the suit; that the trial Court, by observing that in order to avoid multiplicity of proceedings and to maintain law and order, it was inclined to grant status quo; that the trial Court, without observing anything with regard to possession, has granted status quo order and that the plaintiff has not complied with the mandatory requirements contemplated under Order 39 Rule 3(a) of C.P.C.

4. The learned counsel for the petitioner would further submit that the revision petitioner has already filed a counter statement and the case is pending for enquiry and that the trial Court has not taken any steps to dispose of the same.



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5. Considering the above, this Court has no hesitation to hold that the way in which, the status quo was ordered, is not proper and taking note of the fact that the revision petitioner has already filed their counter, the learned trial Judge is directed to proceed with the enquiry and dispose of the same on or before 10.01.2023 and to submit a compliance report.

6. With the above direction, the Civil Revision Petition is disposed of. Consequently connected Miscellaneous Petition is closed. No costs.

21.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

Note : Issue order copy on **28.12.2023**.

To

- 1.The II Additional District Munsif,
Tiruchirappalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.3297 of 2023
and
C.M.P.(MD)No.16995 of 2023

Dated : 21.12.2023