



C.R.P(MD)No.2580 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P(MD)No.2580 of 2018

T.Asai ... Petitioner /appellant/ petitioner/
respondent/defendant
.Vs.

N.Anandha Krishnan (Died)

1.Uma Maheswari

2.A.Rajalakshmi ... Respondent / Respondents/ Respondents/
petitioners /Plaintiffs

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and decretal order, dated 04.10.2018 made in C.M.A.No.34 of 2017 on the file of II Additional Subordinate Court, Madurai, confirming the fair and decretal order dated 17.06.2017, made in I.A.No.492 of 2014 in I.A.No.423 of 2012 in O.S.No.126 of 2012 on the file of District Munsif, Madurai Taluk.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	:Mr.Arjun for Mr.N.Vallinayagam for R1 & 2



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ORDER

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The defendant, who suffered an exparte decree and also an order of interim injunction in I.A.No.492 of 2014 in I.A.No.423 of 2012 in O.S.No.126 of 2012 is the revision petitioner.

2. I.A.No.423 of 2012 has filed to set aside the exparte order of interim injunction granted in favour of the respondents / plaintiffs herein. The said application came to be allowed and simultaneously, the revision petitioner was also set exparte for not filing the written statement within 90 days from the date of service of summons.

3. As against the exparte decree, the revision petitioner filed an application to set aside the exparte decree which came to be dismissed by the trial Court and the same was also confirmed in Appeal.

4. As against the same, today, I have allowed the Revision [C.R.P.(MD)No.2579 of 2018] filed at the instance of the defendant with a direction to the trial Court to dispose of the suit as expeditiously as possible, not later than 3 months from the date of commencement of the trial.



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5. Insofar as the present application is concerned, the respondents were enjoying the benefit of interim order from the year 2012 and it will not be in the interest of justice to up set the said status qua prevaility.

6. Under such circumstances, I am unable to interfere with the order / judgment of the Sub Judge confirming the dismissal of the application filed by the revision petitioner, seeking to set aside the exparte order of the interim injunction granted in favour of the respondents. In the other revision [C.R.P.(MD)No.2579 of 2018], I have already directed the parties to co-operate for disposal of the suit and therefore, in such view of the matter, no prejudice will be caused to the revision petitioner, if the interim order continues till the disposal.

7. Hence, the instant Civil Revision Petition stands dismissed. There shall be no order as to cost.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
Ls

12.10.2023



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P.B.BALAJI,J.

Ls

To

1. The II Additional Subordinate Court,
Madurai.
2. The District Munsif,
Madurai Taluk.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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