



C.R.P.(MD)No.2983 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2983 of 2023

and

C.M.P.(MD)No.15380 of 2023

1. A.Maria Louis

2. M.Christi Pushpa

3. Selvaraj

4. S.Antony

... Petitioners

Vs.

1. J.Sahayamary

2. M.Vijayakumar

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional District Munsif Court, Dindigul to number the I.A.S.R.No.5815 of 2023 in O.S.No.226 of 2023 on the file of the Additional District Munsif Court, Dindigul.

For Petitioners : M/s.M.Maria Vinola



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ORDER

The Civil Revision Petition is directed against the order of return of the interlocutory application filed under Order 39 Rule 1 and 2 C.P.C.

2. The learned counsel appearing for the revision petitioners would submit that the first respondent/plaintiff has filed a suit in O.S.No.226 of 2023 for permanent injunction in respect of the suit property, that the revision petitioners/defendants 1, 2, 4 and 5 have filed an interlocutory application under Order 39 Rule 1 and 2 C.P.C. claiming temporary injunction in respect of two schedules of properties, that the trial Court has returned the application directing the revision petitioners/defendants 1, 2, 4 and 5 to specify the property for which injunction is claimed, that the revision petitioners/defendants 1, 2, 4 and 5 have re-presented the application stating that they have given the description of the property as per the documents produced by them and that thereafter, the application has again been returned stating that the suit property and the property mentioned in the injunction application are different.



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3. The learned counsel appearing for the revision petitioners would further submit that the suit property is shown to be 78 cents, whereas, in the injunction application, the revision petitioners/defendants 1, 2, 4 and 5 have given two schedules of properties measuring 19 cents and 20 cents totalling 39 cents and the same are part of the suit property.

4. Since the property mentioned in the injunction application is form part of the suit property, the return made by the trial Court is not proper. Hence, the learned Additional District Munsif, Dindigul is hereby directed to take the application on file, if it is otherwise in order and to proceed in accordance with law.

5. With the above direction, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

15.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

Note : Registry is directed to return the original papers to the revision petitioners, after getting necessary acknowledgments.



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K.MURALI SHANKAR,J.

csn

To

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

Order made in
C.R.P.(MD)No.2983 of 2023
and
C.M.P.(MD)No.15380 of 2023

Dated : 15.11.2023