



WEB COPY



CRP.No.2427 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2427 of 2021

and

CMP.No.18434 of 2021

1.Mukesh Chand Gulecha

2.Dr.Gyan Jain

President

Shree Chandra Prabhu Maharaj Juna Jain Mandhir Trust

No.10, Mandapam Road

Kilpauk, Chennai 600 010.

... Petitioners

Vs.

R.Navarathan Nahar

Trustee

Shree Chandra Prabhu Maharaj Juna Jain Mandhir Trust

No.6/44, General Muthia Mudali Street

Sowcarpet, Chennai 600 001.

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.10.2021 passed in IA.No.2 of 2021 in OS.No.7009 of 2021 on the file of the learned 1st Judge, City Civil Court, Chennai and allow the above Civil Revision Petition.



CRP.No.2427 of 2021

For Petitioners : Mr.P.Prithvi Chopda

For Respondent : Ms.Vedavalli Kumar

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below granting exparte ad-interim injunction in favour of the respondent till 08.11.2021. The impugned order was challenged by the petitioners on the ground that the learned Judge has not recorded any prima facie finding at the time of granting ad-interim injunction and the impugned order is liable to be set aside as it is a non-speaking order.

2. When the matter is taken up for hearing, the learned counsel for the respondent has drawn the attention of this Court to the certified copy of the order passed by the Court on 27.10.2021. A perusal of the same would suggest that, at the time of granting exparte ad-interim injunction, the learned Judge had taken into consideration the averments of the respondent in the affidavit filed in support of his injunction petition and the documents filed in support of his averments and came to the prima facie conclusion in favour of the respondent. Recording that the prima facie case and the balance of



CRP.No.2427 of 2021

inconvenience was in favour of the respondent the learned Judge had granted
exparte ad-interim injunction till 08.11.2021. Therefore, the order impugned
in the revision cannot be termed as non-speaking order.

3. Hence, this Court is not inclined to entertain the Revision.
However, liberty is granted to the petitioner to file a counter in the interim
injunction application and oppose the same. The Court below is directed to
dispose of the application for grant of interim injunction as expeditiously as
possible.

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

12.01.2024

Index : Yes / No
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CRP.No.2427 of 2021

S.SOUNTHAR, J.

dna

To

The 1st Judge, City Civil Court, Chennai.

CRP.No.2427 of 2021
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CMP.No.18434 of 2021

12.01.2024

4/4