



CRP NO. 4858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-12-2024**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

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1. Foodscape Rep Its Partner Sulaiman Sait
Mohammd Taufique, No.137/2B Old Mahabalipuram
Road, Semmencherry, Chennai - 600 119.

2.Sulaiman Sait
S/o Mohammed Adam, Flat No.1104, Tianan
Hiranandani, Egattur, Chennai – 603 103.

Petitioners

Vs

1. Mohammed Taufique
S/o.Ammeruddeen, Plot No.219, Classic Farms,
Sholinganallur, Chennai - 119.

2. Saravanan,
S/o Selvaraj, No.4/457, Anna Nagar
Valantaravai, Ramanathanpuram-625 536

3.Muhammed Rafi
S/o Muhammed
Koodalloor House, Kondoorkkara Post
Palakkad District, Kerala – 679 313.

Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the impugned daily orders of the learned District Munsif Cum Judicial Magistrate, Tirupporur dated 04.10.2024 and consequently allow the IA Nos.1 and 2 of 2023 in O.S.No.280 of 2023.

For Petitioner : Colonel Ganesan Associates

For Respondents : Mr.M.Rajasekaran – for R2



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ORDER

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This Civil Revision Petition seeks to set aside the daily order passed by the learned District Munsif-cum-Judicial Magistrate, Tirupporur in I.A.Nos.1 and 2 of 2023 dated 04.10.2023.

2. The civil revision petitioners are the plaintiffs in the suit. O.S.No.266 of 2022 was presented before the District Munsif Court at Chengalpattu. In the said proceedings, the plaintiffs presented three applications in I.A.Nos.1/2022, 2/2022 and 3/2022. I.A.No.1/2022 was an emergent petition, which was taken up and disposed of by the learned District Munsif at Chengalpattu itself. I.A.Nos.2 and 3 of 2022 were pending.

3. In the meantime, the suit stood transferred to the file of the District Munsif-cum-Judicial Magistrate at Thirupporur. On such transfer, the suit was renumbered as O.S.No.280 of 2023. The defendant was set *ex parte*. At the time of renumbering the applications, since I.A.No.1 of 2022 was disposed of even when the suit was pending before the District Munsif at Chengalpattu, on transfer, instead of renumbering both the injunction applications, only I.A.No.2 of 2022 was renumbered as I.A.No.1 of 2023.



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4. In the meantime, a third party filed an application to implead himself as a party defendant to the suit. This I.A. was yet again renumbered as I.A.No.2 of 2023. In the interlocutory applications filed by the plaintiff, the respondents had remained *exparte*. Arguments of the plaintiff were heard and orders have been reserved. On account of the application filed to implead, orders have not been passed and the Court is awaiting the disposal of the said application in order to pass further orders in I.A.No.1 of 2023.

5. The learned counsel for the third party filed a memo stating notice was ordered to be taken to the respondents 1 to 3 in the application, but notice had not been taken. Therefore, fresh notice was ordered in the application. Aggrieved by the fact that the Registry of the District Munsif Court at Thirupporur had not renumbered both the applications for injunction, the plaintiff pointed out this aspect to the learned District Munsif. Yet, the learned Judge has shown only I.A.Nos.1 and 2 of 2023 as pending.

6. When the matter came up for admission, I called for a report from the learned District Munsif at Thirupporur as to what was the fate of I.A.Nos.1 and 2 of 2022. The learned Judge has submitted a report stating that I.A.No.2 of 2022 was renumbered as I.A.No.1 of 2023. However, the report does not speak anything about the second interlocutory application namely I.A.No.3 of 2022, that has been presented by the plaintiff.



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7. The confusion that has arisen on account of the renumbering of the suit and applications can be addressed by the learned District Munsif herself by renumbering the second application for injunction and proceeding further. This does not require the assistance of this Court under Article 227 of the Constitution of India.

8. Therefore, I pass the following orders in this Civil Revision Petition.

- i. The learned District Munsif-cum-Judicial Magistrate, Thirupporur shall renumber I.A.No.3 of 2022 and find out if the defendants have been served.
- ii. If the defendants have been served, it shall be clubbed with I.A.No.2 of 2022, which has been renumbered as I.A.No.1 of 2023, and disposed within a period of four weeks from the date on which the impleading petition now numbered as I.A.No.2 of 2023 is disposed of.
- iii. Mr.Ganesan, appearing for the petitioners states that he will file counter in the impleading application in I.A.No.2 of 2023 on **08.01.2025**. The learned Judge is requested to hear the arguments and dispose of the same within two weeks from **08.01.2025**.
- iv. Depending on the result of I.A.No.2 of 2023, the injunction application shall be disposed of within a period of four weeks thereafter.



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9. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KST

To

The District Munsif-cum-Judicial Magistrate
Tirupporur.



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V.LAKSHMINARAYANAN, J.

KST

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