



C.R.P.(MD)No.91 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.91 of 2024

and

C.M.P.(MD)No.447 of 2024

1.Gunasekaran

2.Mahalakshmi

... Petitioners / Petitioners/Defendants

Vs.

1.Sudha

2.Gopalsami

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order in I.A.No.127 of 2022 in O.S.No.119 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Orathanadu.

For Petitioners : Mr.P.Edin Brough

For Respondents : Mr.N.Dilipkumar



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ORDER

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Heard both sides.

2. The petitioners are the defendants in O.S.No.119 of 2021 on the file of the District Munsif Court cum Judicial Magistrate, Orathanadu. The respondents herein filed the said suit for permanent injunction. In the said suit, the defendants filed I.A.No.127 of 2022 seeking injunction against the plaintiffs. IA was dismissed vide order dated 10.04.2023. Questioning the same, this civil revision petition has been filed.

3. The learned counsel for the respondents submitted that the schedule of property for which injunction is sought in I.A.No.127 of 2022 is different from the suit schedule property. In fact, the petitioners did not even set out the description of the property for which they have sought injunction. That is why, the court below had rightly observed that the defendants have not properly described with reference to the survey number or boundaries and its extent in I.A.No.127 of 2022. That apart, the defendants do have right to file an independent suit instead of seeking interim injunction against the plaintiffs. More than anything else, the order impugned in the civil revision petition is appealable. No reason has been set out as to why the appeal remedy is sought to be bypassed.



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4. Looked at from any angle, the case for interference has not been made out. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The District Munsif cum Judicial Magistrate Court, Orathanadu.



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G.R.SWAMINATHAN, J.

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