



Rev.Applc(MD)No.23 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Rev.Applc(MD)No.23 of 2024

in

C.R.P.(MD)No.2925 of 2023

1. Senthil Murugan Jewellers Pvt. Limited,
represented through its Director
having office at 106-108,
South Avani Moola Street,
Madurai – 625 001.

2. N.Sundarajan

3. G.Sridhar

4. G.Rajesh

5. G.Senthilkumar

6. S.Ramesh

... Petitioners

Vs.

1. N.Pandurangan

2. P.Kamalakannan

3. P.Srinath



Rev.Aplc(MD)No.23 of 2024

4. M/s.Senthil Murugan Jewellers,
represented by its partner
N.Pandurengan

5. Sri Mathura Jewellery Private Limited,
represented by its Director

... Respondents

Prayer : This Review Application filed under Order 47 Rule 1 C.P.C., to grant review of the order in C.R.P.(MD)No.2925 of 2023 dated 07.11.2023 by setting aside the same and allow this Review petition.

For Petitioners : Mr.H.Lakshmi Shankar

For Respondents : Mr.Jayesh B Dolia, Senior Counsel
assist by Mr.Arun C Mohan for
M/s.Aiyar and Dolia

ORDER

This Review Application is directed against the order passed in C.R.P.(MD)No.2925 of 2023 dated 07.11.2023, wherein, this Court directed the learned Principal District Judge, Madurai, to proceed with the enquiry in the interlocutory applications and dispose of the same within a period of two months from the date of receipt of a copy of that order.

2. The learned counsel appearing for the petitioners would submit that the petitioners/defendants 2 to 7 have already filed an application in I.A.No.2365 of 2022 for rejection of plaint and the same is pending on the



Rev.Aplc(MD)No.23 of 2024

WEB COPY

file of the Principal District Court, Madurai and that even though that application was pending, the respondents 1 to 4/plaintiffs, without disclosing the pendency of the same, have filed the above revision and obtained orders for early disposal of the interlocutory applications.

3. When the matter is taken up for hearing today, the learned Senior Counsel appearing for the respondents would submit that injunction applications are pending without any progress for more than 14 months, that the petitioners/defendants 2 to 7 have not pressed for the enquiry in the injunction applications till the injunction applications were taken up for hearing in pursuance of the direction of this Court and that all the interlocutory applications are scheduled for hearing today.

4. The learned Senior Counsel appearing for the respondents would further submit that this Court may issue a direction to the Principal District Court to hear all the interlocutory applications including the rejection of plaint and to pass separate orders.

5. The learned counsel appearing for the petitioners would submit that if a joint enquiry is conducted, there is every possibility for the trial



Rev.Applc(MD)No.23 of 2024

Court to consider the defence taken by the defendants and also the documents and evidence relied on by the defendants in the interlocutory applications and relied on the judgment of the Hon'ble Supreme Court in ***The Church of Christ Charitable Trust and Educational Charitable Society, represented by its Chairman Vs. Ponniamman Educational Trust represented by its Chairperson/Managing Trustee*** reported in ***(2012) 8 SCC 706***. But it is pertinent to note that in the said decision, joint enquiry was conducted and a common order came to be passed.

6. Considering the entire facts and circumstances and taking note of the submissions made by the learned counsel on either side, the learned Principal District Judge, Madurai, is directed to conduct enquiry in the injunction applications and in the application for rejection of plaint simultaneously and to pass orders separately and more importantly without being influenced by the evidence to be adduced and arguments to be advanced in the injunction applications while deciding the application for rejection of plaint and to dispose of the above applications within a period of one month from the date of receipt of a copy of this order.



Rev.Aplc(MD)No.23 of 2024

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7. With the above observation and direction, this Review Application is disposed of. No costs.

15.02.2024

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

Note : Issue order copy on 07.03.2024

To

1. The Principal District Court,
Madurai.



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Rev.Aplc(MD)No.23 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Rev.Aplc(MD)No.23 of 2024
in
C.R.P.(MD)No.2925 of 2023

Dated : 15.02.2024