



C.RP(MD)No.1587 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1587 of 2024

and

C.M.P(MD).No.9383 of 2024

Gandhimathi

... Petitioner

Vs.,

1.Kannan

2.Thavaselvi

3.Bose

4.Vasuki

...Respondents

Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 24.01.2024 passed in I.A.No.2 of 2023 in C.M.A.SR.No.1691 of 2023 on the file of the learned Principal District Judge, Ramanathapuram, Ramanathapuram District.

For Petitioner

: Mr.K.Palmurugan

For Respondents

: Mr.D.Balamurugapandi

ORDER

This civil revision petition is directed against the order passed in I.A.No.2 of 2023 in C.M.A.SR.No.1691 of 2023 on the file of the learned Principal



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District Judge, Ramanathapuram. By the said order, the Lower Appellate Court has dismissed the application, which is filed under Section 5 of the Limitation Act, to condone the delay of 317 days in filing the civil miscellaneous appeal.

2. The civil miscellaneous appeal is filed as against the fair and decreetal order made in I.A.No.62 of 2021 dated 28.06.2022, whereby the prayer made by the petitioner for an interim injunction under Order 39, Rule 1 and 2 of the Code of Civil Procedure was dismissed. It can be seen that the suit is of the year 2018. The petitioner was without any order of interim injunction originally from the year 2018. The application itself was made in the year 2021 and the same was also dismissed in the year 2022. Now, we are in the year 2024. Therefore, there is no question of any interference or deciding otherwise in respect of the prayer for interim injunction. The petitioner can raise all the grounds in the main suit, which is pending now for six years and the findings can be arrived at in the main suit itself. Therefore, the trial Court is requested to dispose of O.S.No.86 of 2018 as expeditiously as possible, in any event, not later than six months from the date of receipt of the copy of the order.



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3. Accordingly, the Civil Revision Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is also dismissed.

19.07.2024

NCC:Yes/No
Index:Yes/No
Rmk

To
The Principal District Judge, Ramanathapuram,
Ramanathapuram District.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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