



C.M.A(MD)No.1029 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1029 of 2023

and

C.M.P.(MD)Nos.14107 of 2023 and 958 of 2024

The Correspondent,
PENI-EL Matric Higher Secondary School,
Penil Nagar, Angarai,
Lalgudi, Trichy District.

... Appellant

Vs.

1.S.Illanchezhian
2.T.Mathi
3.V.Mathavi
4.S.Tamilarasan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Order 43 Rule (1) Clause V of Civil Procedure Code, against the order dated 16.02.2023 made in I.A.No.1 of 2021 in O.S.No.367 of 2021, on the file of 1st Additional District Judge, (PCR), Tiruchirappalli.

For Appellant	: Mr.R.Sundar
For R1	: Mr.V.Meenakshi Sundaram
For R3&4	: No Appearance



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JUDGMENT

This Civil Miscellaneous Appeal is preferred by the School against the order passed in I.A.No.1 of 2021.

2. The said I.A., is filed under Order 39 Rules 1 and 2 and Section 151 of CPC. The contention of the appellant is that the injunction application was dismissed. When the School is in possession of the suit property, the Court below ought to have granted injunction. However, the learned Counsel appearing for the respondents submitted that the appellant has submitted an application before the educational authorities seeking permission to close down the school. Therefore, the injunction sought by the appellant is erroneous.

3. This Court is not inclined to entertain this appeal, since the suit itself is ready for trial and the suit was filed in the year 2021. The learned Counsel appearing for the appellant submitted that there is an I.A., pending before the Trial Court. Therefore, the Trial Court is directed to complete the I.A., within a period of one month from the date of receipt of a copy of this judgment, if the same is pending. The suit may be completed within a period of six months from



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the date of receipt of a copy of this judgment.

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4. Hence, the Civil Miscellaneous Appeal is dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2024

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

Tmg

To

1.1st Additional District Judge,
(PCR), Tiruchirappalli.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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