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C.R.P.(MD)No.2203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2203 of 2024

Ayyar Thevar(deceased)

1. Duraipandi

... 1st Petitioner / Respondent /
Petitioner / Plaintiff

2. Renuga

3. Jeeva

4. Kannuppillai @ Kanmani

5. Pandidurai

6. E.Bakyalakshmi

7. E.Bakyalakshmi

... Petitioners 2 to 7 / Respondents /
Third parties / Third parties

Vs.

Sethupandi (deceased)

1. Shanthi

... Respondent/Appellants/
Respondents/Defendants

2. Rasathi

3. Viswanathan

4. Baranipushbam

... Respondents 2 to 4 / Appellants/
Third parties / Third parties



PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in C.M.A.No.8 of 2019 dated 20.03.2024 on the file of the Sub Court, Usilampatti reversing the ex-order and fair order passed in I.A.No.341 of 2015 in O.S.No.167 of 2015 dated 15.11.2016 on the file of the District Munsif cum Judicial Magistrate No.I, Usilampatti.

For Petitioners : Mr.A.Rajaram

ORDER

Heard the learned counsel appearing for the revision petitioner.

2. The plaintiff in O.S.No.167 of 2015 on the file of the District Munsif, Usilampatti is the revision petitioners herein. The suit was for permanent injunction. It is stated that interim injunction was granted in favour of the plaintiffs in I.A.No.341 of 2015. It is seen that interim injunction was granted in favour of the plaintiffs vide order dated 15.11.2016 in I.A.No.341 of 2015 by the trial Court. Questioning the same, the respondents filed C.M.A.No.8 of 2019 before the Sub Court, Usilampatti. Vide order dated 20.03.2024, temporary injunction granted



by the trial Court was set aside. Challenging the same, this civil revision petition came to be filed.

3. It is seen that the suit is of the year 2015. There is no point for entertaining this civil revision petition. The order was passed by the first appellate Court as early as on 20.03.2024. We are now in September 2024. I do not find any averment in the affidavit filed in support of the civil revision petition as to whether the order passed by the trial Court was or was not suspended during the pendency of C.M.A.No.8 of 2019.

4. In these circumstances, without going into the merits of the matter, the learned trial Munsif is directed to dispose of O.S.No.167 of 2015 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. The trial Court will decide the suit independently and not be influenced by the order passed in C.M.A.No.8 of 2019. This civil revision petition stands disposed of. No costs.

13.09.2024

Index : yes/No
Internet: Yes/No
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C.R.P.(MD)No.2203 of 2024

G.R.SWAMINATHAN,J.

PMU

To

1. The Sub Judge,
Usilampatti.
2. The District Munsif cum Judicial Magistrate No.I,
Usilampatti.

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