



C.R.P.(PD)(MD)No.1141 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1141 of 2024

and

C.M.P(MD)No.6378 of 2024

M.Iyyappan

...Petitioner/Appellant/Petitioner/Plaintiff

Vs.

1.Savithri

2.Karthick

3.Hariharan

...Respondents/Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order passed by the learned I Additional District Munsif, Tirunelveli, in I.A.No.1 of 2022 in O.S.No.356 of 2022, dated 12.01.2023 on an application filed by the petitioner under Order 39 Rule I & 2 and Section 151 of C.P.C. which has been affirmed by the I Additional Sub Judge, Tirunelveli, in C.M.A.No.1 of 2023, through order dated 22.02.2024.

For Petitioner : Mr.R.Anand

For Respondents : Mr.J.Jeyakumaran for R1 & R2
No appearance for R3

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ORDER

The plaintiff in O.S.No.356 of 2022, on the file of the Additional District Munsif Court, Tirunelveli, is the revision petitioner herein.

2.The above said suit had been filed for the relief of permanent injunction not to disturb the peaceful possession and enjoyment of the plaintiff and for other reliefs. Along with the plaint, the plaintiff had filed I.A.No.1 of 2022, seeking interim injunction. The said application was dismissed by the trial Court on 12.01.2023. Challenging the same, the plaintiff had filed C.M.A.No.1 of 2023 before the Principal Sub Court, Tirunelveli. The learned Sub Judge, Tirunelveli, had dismissed the said appeal on 22.02.2024. Challenging the concurrent findings, the present revision petition has been filed.

3.A perusal of the records reveal that the application has been dismissed by the Courts below on the ground that the plaintiff had not established the prima facie case or balance of convenience in his favour. In case, if any findings are rendered by this Court in the revision petition, it would affect the merits of the suit on either side.



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4. In view of the above said facts, this Court is not inclined to go into the merits of the interim injunction application filed by the plaintiff. Accordingly, this Civil Revision Petition stands disposed of with a direction to the trial Court to dispose of the suit on or before **31.08.2025**, without being influenced by any one of the findings rendered in the injunction application. No costs. Consequently, connected miscellaneous petition is also closed.

19.02.2025

Internet: Yes/No

Index: Yes/No

RJR

To

1. The learned I Additional Sub Judge, Tirunelveli.
2. The learned I Additional District Munsif, Tirunelveli.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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