



C.R.P. (MD) No. 1664 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE **N.SENTHILKUMAR**

C.R.P. (MD) No. 1664 of 2022

and

C.M.P. (MD) No. 7302 of 2022

N.Edwin Jeyakumar

... Petitioner

Vs.

Varghese

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the order dated 03.03.2022 passed in I.A.No.1 of 2022 in C.M.A.No.3 of 2022 on the file of the Sub-Court, Kuzhithurai.

For Petitioner : Mr.H.Elango

For Respondent : No appearance



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ORDER

This Civil Revision Petition challenges the order dated 03.03.2022 passed in I.A.No.1 of 2022 in C.M.A.No.3 of 2022 on the file of the Sub-Court, Kuzhithurai (hereinafter referred to as the 'Appellate Court' for short).

2.Heard Mr.H.Elango, learned Counsel for the Petitioner and perused the materials placed on record apart from the pleadings of the parties.

3.The parties are hereinafter referred to as their description in the suit in O.S.No.29 of 2019 for the sake of clarity and convenience. The suit in O.S.No. 29 of 2019 has been filed before the Principal District Munsif, Kuzhithurai, (hereinafter referred to as the 'Trial Court' for short) seeking for injunction restraining the Defendant from interfering with the property claimed to be in possession of the Plaintiff. The Defendant has filed written statement contending that he is actually occupation of the property. Both sides produced their respective documents.

4.The Trial Court, by an order dated 02.02.2022 in I.A.No.1 of 2019 had granted an order of interim injunction in favour of the Plaintiff, but the Appellate Court, by order dated 03.03.2022 in I.A.No.1 of 2022 in C.M.A.No.



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3 of 2022 filed by the Defendant had granted stay of the injunction order passed by the Trial Court till the disposal of the appeal. An order of interim stay had been passed by the High Court at the time of admission on 17.08.2022 and still continues to be in force.

5.In the aforesaid circumstances, the impugned order passed in I.A.No.1 of 2022 in C.M.A.No.3 of 2022 is set aside and the matter is remanded to the Appellate Court to decide the C.M.A.No.3 of 2022 afresh on merits and in accordance with law and the interim stay granted by this Court and the interim injunction granted by the Trial Court in I.A.No.1 of 2019 in O.S.No.29 of 2019 shall be continued to be effect during the pendency of the C.M.A.No.3 of 2022, in view of the stay order granted by this Court earlier.

6.It shall be ensured by the Trial Court that there is atleast one effective hearing every month showing progress of the case and quarterly reports in that regard shall be sent to the Registrar (Judicial) of the Court till final orders are passed in the case. Pendency of the C.M.A.No.3 of 2022 shall not preclude the Trial Court from deciding the suit in O.S.No.29 of 2019.



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7. In that view of the matter, this Civil Revision Petition is disposed on the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
cmr

To

1. The Sub-Judge, Kuzhithurai.
2. The Principal District Munsif, Kuzhithurai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

cmr

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