



WEB COPY



C.R.P. (MD) No. 1878 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

C O R A M

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

C.R.P.(MD) No.1878 of 2023

and

C.M.P.(MD)No.9425 of 2023

Shanmugavalli

... Petitioner

Vs.

1.M.Nachiappan

2.Muniyasamy

...Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned Subordinate Judge, Mudukulathur, made in C.M.A.No.1 of 2022, dated 23.12.2022, reversing the fair and decreetal order passed by the learned District Munsif Court, Mudukulathur made in I.A.No.257 of 2019 in O.S.No.56 of 2019, dated 21.09.2020 and allow the above Civil Revision Petition.

For Petitioner

: Mr. C.Gangai Amaran

For Respondents

: Mr. H.Arumugam

ORDER

This Civil Revision Petition invoking Article 227 of the Constitution of India, 1950, has been filed challenging the order passed by the learned



C.R.P. (MD) No. 1878 of 2023

Subordinate Judge, Mudukulathur, made in C.M.A.No.1 of 2022, dated 23.12.2022, reversing the fair and decreetal order passed by the learned District Munsif Court, Mudukulathur made in I.A.No.257 of 2019 in O.S.No.56 of 2019 dated 21.09.2020. The parties are hereinafter referred to as per their description in the suit in O.S.No.56 of 2019 before the Trial Court for the sake of clarity and convenience.

2.Heard Mr.C.Gangai Amaran, learned Counsel for the plaintiff and Mr.H.Arumugam, learned Counsel for the defendants and perused the materials placed on record, apart from the pleadings of the parties.

3.The Plaintiff had filed a suit in O.S.No.56 of 2019 for permanent injunction, in which, the application for interim injunction was originally allowed, but has been reversed in an appeal filed by the defendants.

4.Since the suit itself is filed for permanent injunction, the Trial Court shall decide the suit independently without being influenced by any of the observation made by the First Appellate Court as well as this Court. It shall be ensured by the Trial Court that there is atleast two effective hearing in every month showing progress of the case and quarterly reports in that regard shall be



C.R.P. (MD) No. 1878 of 2023

sent to the Registrar (Judicial) of the Court till final orders are passed in the case. If any fresh application is filed for temporary injunction, the Sub-Judge, Mudukulathur, shall not be inhibited or influenced by the impugned order and shall also decide the matter afresh on merits and in accordance with law.

5. In the result, the Civil Revision Petition is disposed on the aforesaid terms. It is made clear that this Court does not express any view on the correctness of the impugned order passed by the Trial Court. Consequently, the connected miscellaneous petition is closed. No costs.

21.01.2026

Index : Yes/No
NCC : Yes/No
cmr

To:-

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



WEB COPY



C.R.P. (MD) No. 1878 of 2023

N.SENTHILKUMAR, J.

cmr

C.R.P.(MD)No.1878 of 2023

21.01.2026