

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11487 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 5002 OF 2016]

R.M PALANIAPPAN & ORS

Appellant(s)

VERSUS

INDIAN CULTURAL RESEARCH TRUST & ANR

Respondent(s)

WITH

CIVIL APPEAL NO. 11488 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 5101 OF 2016]

CIVIL APPEAL NO. 11489 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 5180 OF 2016]

CIVIL APPEAL NO. 11490 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 5184 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The impugned order arises out of an interlocutory order passed by the VI Assistant Judge, City Civil Court, Chennai dated 16.10.2014. The operative portion of the interlocutory order reads as follows :-

"In the result, the petition is allowed and thereby an order of Temporary injunction is granted restraining the respondents/defendants and their men, agents and servants

from conducting the executive committee meeting on 17.10.2014 or any other future dates as per the notice dated 8.10.2014. No cost."

3. The said interlocutory order was affirmed in the Civil Misc. Appeal No. 142 of 2014 by the IV Additional Judge, City Civil Court, Chennai.

4. The matter was pursued before the High Court in Revision, wherein the following impugned order was passed :-

"58. In fine,

(i) C.R.P. (PD) Nos. 2905 and 4273 of 2015 are allowed.

(ii) The fair and decreetal order dated 13.04.2015 made in C.M.A. No. 142 of 2014 by confirming the order and decreetal order dated 16.10.2014 made in I.A.No. 15897 of 2014 in O.S.No. 5904 of 2014 is hereby set aside.

(iii) Consequently, the application in I.A.No. 15897 of 2014 in O.S. No. 5904 of 2014 on the file of the learned VI Assistant Judge, City Civil Court, Chennai is hereby dismissed.

(iv) C.R.P. (PD) Nos. 2906 and 4272 of 2015 are allowed.

(v) The fair and decreetal order dated 13.04.2015 made in C.M.A.No. 143 of 2014 by confirming the order and decreetal order dated 16.10.2014 made in I.A.No. 15900 of 2014 in O.S.No. 5905 of 2014 is hereby set aside.

(vi) Consequently, the application in I.A.No. 15900 of 2014 in O.S.No. 5905 of 2014 on the file of the learned VI Assistant Judge, City Civil Court, Chennai is hereby dismissed.

vii) However, there is no order as to costs."

5. Heard the learned senior counsel appearing on both the sides. The respondents have fairly submitted that the impugned order can be set aside with their consent. Therefore, it is not necessary to go into any of the contentions, being an order at the interlocutory stage. Necessarily, the interim order passed by the Assistant Judge, the operative portion of which is extracted above, will resuscitate, pending the suit, unless and until duly varied by the trial court. Ordered accordingly.

6. Now that we have set aside the order and since the order arises out of an interim order, needless to say, it shall have no bearing on the outcome of the suit.

7. With the above observations and directions and leaving open all the contentions, the appeals are disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
November 29, 2016.

JUDGMENT