



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.292 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

S.Subaitha Nachiyar

...Revision Petitioner\Plaintiff  
vs.

1.M.M.M.K.Shakul Hameed Maraikkayar

2.The District Registrar,  
District Registrar Office,  
Aranmanai,  
Avaiyar Street,  
Ramanathapuram.

3.The Joint Sub Registrar,  
No.1, Joint Sub Registrar Office,  
Aranmanai,  
Avaiyar Street,  
Ramanathapuram T.K.,  
Ramanathapuram District.

4.The Joint Sub Registrar,  
Joint Sub Registrar Office,  
Rameswaram.

...Respondents/Respondents/  
Defendants 1 & 3 to 5

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, against the order in I.A.No.162 of 2014 in O.S.NO.36 of 2014 dated 14.11.2014 on the file of the learned Sub Judge, Ramanathapuram.

For Petitioner : Mr.R.Murugan

#### O R D E R

This revision is directed against the closing of I.A.No.162 of 2014, which is filed for interim injunction pending the disposal of the suit. The said application was closed by the Subordinate Judge, Ramanathapuram on the ground that the suit is ripe for trial. But, according to the revision petitioner, who is the plaintiff as there was no interim order passed by the Sub-Judge, the defendants are selling away the suit property one by one. Therefore, the Subordinate Judge, Ramanathapuram ought to have passed the order on merits without closing the I.A.

2.No notice is necessary to the respondents as this Court intends to direct the trial Court to dispose of the suit at the earliest and it would not cause any prejudice to the respondents.

3.From the 'B' diary also, this Court can see that though the application is filed along with the suit, it was adjourned time and again and even before the counter by the respondents is filed and it was closed stating that the suit is ripe for trial.



4. The learned counsel for the petitioner also represents that he filed Civil Miscellaneous Appeal against the said order and the said appeal memorandum is also returned stating the same reason that the suit is ripe for trial and directing the parties to go for the trial.

WEB COPY

5. This revision itself is not maintainable as the order challenged is under Order 39 Rule 1 of C.P.C which is appealable. Even the revision petitioner has correctly preferred the appeal before the Appellate Court. However, unfortunately the same was returned. This Court directs the petitioner to represent the appeal memorandum before the Appellate Court within ten days from the date of receipt of a copy of this order and the Appellate Court is directed to dispose of the same on merits and in accordance with law on or before 30<sup>th</sup> April 2015.

With the above directions, the civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To  
The Subordinate Judge,  
Ramanathapuram.

+1cc to Mr.R.Murugan, Advocate in SR.8303

C.R.P. (MD) .No.292 of 2015 and  
M.P. (MD) .No.1 of 2015  
23.02.2015

ns

pbk 24/02/2015 ::2p-3c:(IT)