



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2015

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

CRP (MD) .No.384 of 2015

Seethalakshmi Ammal : Petitioner
Vs.

1. Amaladoss Stephen
2. Dr. John Stephen
3. Leslie Stephen
- Rep by its Power of Attorney Agent A.Gopalakrishnan
4. Violet Stephen
5. Daisy Liese Stephen
6. P.K. Natarajan
7. J. Christopher
8. Pandian
9. The District Secretary,
AIADMK, Trichy District Office,
1-B and I-G, Benwels Road,
Cantonment, Thiruchirappalli-620 001.
10. Eric Stephen : Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying this Court to direct the II Additional District Judge, Trichy to dispose I.A.No.387 of 2014 in O.S.No.299 of 2004 on the file of the II Additional District Judge, Trichy expeditiously and within a time frame to be stipulated by this Hon'ble Court.

For Petitioner : Mr. T. Antony Arulraj

O R D E R

The suit in O.S.No.299 of 2004 was filed by the revision petitioner / plaintiff which was decreed on 04.09.2013. Aggrieved by the same, the respondents / defendants have preferred an appeal before this Court in A.S.(MD).No.122 of 2014, which is pending. Pending First Appeal M.P(MD).No.2 of 2014 was filed for stay of all further proceedings pursuant to the judgment and decree passed in O.S.No.299 of 2004. While, staying the passing of the final decree, in para 5 of the order dated 03.07.2014, this Court had ordered as follows:-

" Insofar a future profits are concerned, there can be no impediment for their determination in view of the fact that even the determination in terms of order 20 Rule 12 of Civil Procedure Code, cannot be postponed beyond the date of disposal of the first appeal. By a mere determination and not a final decree, no prejudice will be caused to the petitioner.



Therefore, the enquiry relating to future profits is permitted to go on, with the condition that no execution shall take place in terms thereof, until further orders"

2. There is no stay with regard to the enquiry for determination of the future mesne profits. The plaintiff had filed I.A.No.387 of 2014 for appointment of an Advocate of Commissioner to enquire into mesne profits. The said application was adjourned time and again by the trial Court without passing any orders. Now, it is stated to be posted on 08.04.2015.

3. From the perusal of the "B" diary it is seen that the trial Court has adjourned the same for calling for records from this Court. However, even without the Court records the Court can proceed with the enquiry determining the mesne profits. As there is no stay with regard to mesne profits enquiry, there is no impediment for the trial Court to get along with the mesne profit enquiry. When this Court has specifically directed the enquiry regarding the mesne profits to go on the trial Court should proceed with the same.

4. As the Civil Revision Petition is filed for limited prayer seeking direction for speedy disposal of I.A.No.387 of 2014, no notice is necessary to the respondents. The trial Court is directed to dispose of the same after enquiry on merits on or before 30.06.2015.

5. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The II Additional District Judge, Trichy

2. -Do- Thro The Principal District Judge, Trichy

Copy to

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

+1cc to MR.T.ANTONY ARUL RAJ, ADVOCATE IN SR : 10298

Trp

SR : 19.03.2015 : 2p/5c

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