

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-11-2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.1281 of 2014
and M.P.No.1 of 2014

1. Vittabai
2. Uma

... Petitioners

vs

1. D. Narayani
2.Dilli

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decretal order in E.A.No.105 of 2012 in EP No.45 of 2010 in O.S.No.135 of 2007 on the file of Munsif Court, Chengalpattu dated 31.01.2014.

For Petitioners : Mr.V. Lakshminarayanan

For respondents : Mr.V. Manohar

ORDER

Challenging the order passed in E.A.No.105 of 2012 in E.P No.45 of 2010 in O.S.No.135 of 2007 on the file of Munsif Court, Chengalpattu, the revision petitioners, who are third parties to the proceedings, have filed the above Civil Revision Petition.

2. Pursuant to the decree passed in the suit in O.S.No.135 of 2007, the plaintiff filed an execution petition in E.P.No.45 of 2010. In the said Execution Petition, the revision petitioners have also filed an application in E.A.No.3 of 2012 under Order 21 Rule 97 of Civil Procedure Code. The petitioners have also filed another application in I.A.No.105 of 2012 to stay the execution petition till the disposal of the suit in O.S.No.102 of 2012, pending on the file of District Munsif Court, Chengalpattu.

3. The suit in O.S.No.102 of 2012 has been filed by the revision petitioners for declaration, recovery of possession in respect of "A" schedule and permanent injunction in respect of "C" schedule. The Executing Court, taking into consideration the case of both

parties, dismissed the stay petition in I.A.No.105 of 2012. Challenging the said order, the revision petitioners have filed the above Civil Revision Petition.

4. When the matters are taken up for hearing, the learned counsel on either side submitted that instead of going into the merits of the matter, the District Munsif, Chengalput may be directed to dispose of the application, filed under Order 21 Rule 97 of Civil Procedure Code in E.A.No.3 of 2012 in E.P.No.45 of 2010 as well as the suit in O.S.No.102 of 2012 within a time frame.

5. The learned counsel on either side submitted that the suit as well as the application in E.A.No.3 of 2012 are posted for cross examination of the respondent.

6. In view of the submissions made by the learned counsel on either side, without going into the merits of the matter, I direct the District Munsif, Chengalput to dispose of the application in E.A No.3

of

M. DURAISWAMY,J.,

sr

2012 in E.P No.45 of 2010 in O.S.No.135 of 2007 and also the suit in O.S.No.102 of 2012, on merits and in accordance with law, within three months from the date of receipt of a copy of this order. With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected MP is closed.

15-11-2016

sr

Index:no
website:yes

To

The District Munsif Court, Chengalput

CRP(NPD)No.1281 of 2014

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