

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1714 of 2016
and
C.M.P.No.9141 of 2016

S.Vijayakumari
W/o.Late Shanumugam

... Petitioner

VS

V.Nagaraja (died)
1.N.Bagaiyalakshmi
W/o.V.K.Nagarajan

2.N.Mohanbabu
S/o.V.K.Nagarajan

3.N.Gouthami
D/o.V.K.Nagarajan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned District Munsif, Katpadi, Vellore District, passed in I.A.No.1062 of 2015 in O.S.No.797 of 2009 on 24.03.2016.

For Petitioner : Mr.S.Balasubramanian

ORDER

This revision arises against the order of learned District Munsif, Katpadi, Vellore District, passed in I.A.No.1062 of 2015 in O.S.No.797 of 2009 on 24.03.2016.

2. Petitioner is the defendant in O.S.No.797 of 2007 on the file of learned District Munsif, Katpadi, Vellore District, an action seeking permanent injunction. Petitioner moved I.A.No.1062 of 2015 seeking rejection of the plaint which application was dismissed under orders dated 24.03.2016 giving rise to this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has observed that while the respondents/plaintiffs, who sought relief of injunction against disturbance with their possession, base their claim on a partition deed of the year 1990, the petitioner/defendant relies on revenue records. The revenue records relied upon by petitioner/defendant informed of certain sub-divisions in particular survey number while the case of the respondents/plaintiffs is that they are entitled to a portion of the undivided survey field. The Court below, therefore, opined that it would only be through trial that the entitlement of

parties could be decided. It, further, found that the application has been moved after a period of seven years. Petitioner had not produced any proof regards a suit allegedly moved by the petitioner party in O.S.No.1204 of 1996. In the circumstances, this Court finds no reason to interfere with the order under challenge.

The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, taking note of the submission of learned counsel for petitioner that the suit is of the year 2009 and a direction may be given for early disposal, this Court directs learned District Munsif, Katpadi, Vellore District, to dispose of O.S.No.797 of 2009 as expeditiously as possible.

24.06.2016

Index:yes/no
Internet:yes
gm

To
The District Munsif,
Katpadi,
Vellore District.

C.T.SELVAM, J

gm

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