

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1772 of 2016 &

C.M.P.No.9356 of 2016

O.M.Abdul Gani

... Petitioner

v.

Aliyar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 2.6.2014 made in I.A.No.96 of 2014 in O.S.No.54 of 2008 on the file of Sub Court (Wakf Tribunal), Tiruvallur.

For Petitioner : Mr.N.A.Nissar Ahmed

ORDER

Challenging the fair and final order passed in I.A.No.96 of 2014 in O.S.No.54 of 2008 on the file of Sub Court (Wakf Tribunal), Tiruvallur, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.54 of 2008 to direct the defendant to handover vacant possession of the suit property and towards arrears of rent.

3. In the said suit, the plaintiff took out an application in I.A.No.96 of 2014 praying for injunction restraining the plaintiff from interfering with the renovation work done by him.

4. The plaintiff filed his counter and contested the application.

5. The Trial Court, taking into consideration the case of both the parties, allowed the application by order dated 2.6.2014.

6. Aggrieved over the same, the plaintiff has filed the above Civil Revision Petition.

7. It is pertinent to note that though the Trial Court allowed the

application on 2.6.2014, the petitioner has filed the present Revision Petition only now i.e., after a lapse of two years. The order of injunction granted by the Trial Court has been in force for more than two years. Hence, I do not find any reason to interfere with the order of injunction granted by the Trial Court at this point of time

8. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the suit is pending from 2008, I direct the Sub Court (Wakf Tribunal), Tiruvallur, to dispose of the suit in O.S.No.54 of 2008 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2016

Index : Yes/No

Rj

To

The Sub Court (Wakf Tribunal),
Tiruvallur.

M. DURAISWAMY,J.,

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