

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1918 of 2016
and
C.M.P.No.9993 of 2016

Miron Lada

... Petitioner

vs

1.Abnex Alexandre Sambeth
S/o.Abner Rassendirane

2.The District Registrar,
Registration Department,
Sakthi Nagar, Saram,
Pondicherry - 13.

3.The Oulgaret Sub-Registrar,
Office of the Sub-Registration Department,
Jawahar Nagar, Boomianpet,
Pondicherry - 5.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Judge, Family Court, Pondicherry, passed in I.A.No.845 of 2014 in I.A.No.417 of 2012 in O.S.No.21 of 2012 on 20.05.2016.

For Petitioner : Mrs.Chitra Sampath, senior counsel
for Mr.T.S.Baskaran
For Respondents : Mr.G.R.Swaminathan
for Mr.R.Thiagarajan

ORDER

This revision challenges the order of learned Judge, Family Court, Pondicherry, passed in I.A.No.845 of 2014 in I.A.No.417 of 2012 in O.S.No.21 of 2012 on 20.05.2016.

2. First respondent/plaintiff has filed O.S.No.21 of 2012 on the file of learned Judge, Family Court, Pondicherry, seeking partition and separate possession. Plaintiff has moved I.A.No.417 of 2012 seeking interim injunction. The Court below, under orders dated 07.11.2013, granted interim injunction. Plaintiff has moved a further application in I.A.No.845 of 2014 in I.A.No.417 of 2012 seeking a direction to the petitioner/first defendant to handover one set of keys in respect of items 1 and 2 of the suit properties and to provide police protection. The Court below, under the impugned order, while granting the relief of police protection has rejected the prayer seeking keys of items 1 and 2 of the suit properties. There against, the present revision has been filed.

3. Heard learned senior counsel for petitioner and learned counsel for respondents.

4. The Court below under orders dated 20.05.2016 has passed an order

of police protection to the first respondent/plaintiff even as it has refused his prayer seeking keys to the premises. On perusal of the order under challenge and on consideration of the submissions of learned counsel on either side, this Court finds no reason to interfere, but, would inform the need of the first respondent/plaintiff not to act in any manner detrimental to the interest of the petitioner/first defendant in the guise of enforcing the order of police protection.

The Civil Revision Petition is dismissed. However, taking into consideration the further submission that the suit presently is part heard, this Court directs the learned Judge, Family Court, Pondicherry, to dispose of O.S.No.21 of 2012 as expeditiously as possible, in any event, not later than five months from the date of receipt of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.07.2016

Index:yes/no
Internet:yes
gm

To
The Judge,
Family Court,
Pondicherry.

C.T.SELVAM, J

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