

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3323 of 2016 and
C.M.P.No.17002 of 2016

S.Dave Jeyaselvan

...Petitioner

versus

M.P.Ponraj

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order in C.M.A.No.113 of 2015 on the file of IV Additional City Civil Court at Chennai dated 11.07.2016 reversing the fair and decreetal order dated 24.08.2015 passed in I.A.No.17979 of 2014 in O.S.No.5734 of 2013 on the file of VI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.C.Raja Chockalingam

For Respondent : Mr.M.Kamalanathan

ORDER

The petitioner filed a civil suit in O.S.No.5734 of 2013 before the VI Assistant Judge, City Civil Court, Chennai, praying for a decree of permanent injunction. In the said suit, the Trial Court granted interlocutory order of injunction in I.A.No.17979 of 2014. The order granting injunction was set aside by the learned IV Additional Judge,

City Civil Court, Chennai, in C.M.A.No.113 of 2015. The judgment dated 11.07.2016 is under challenge in this civil revision petition.

2. The very same judgment was the subject matter of revision in CRP(PD).No.3230 of 2016 at the instance of the respondent. This Court, without interfering with the order passed by the learned Judge directed the Trial Court to dispose of the suit as expeditiously as possible, and in any case, on or before 31.01.2017.

3. The learned counsel for the petitioner submitted that the petitioner is in possession of the first floor and the terrace portion. The ground floor is in the possession of the respondent. The said factual position is confirmed by the learned counsel for the respondent.

4. Since this Court has already directed the Trial Court to dispose of the suit in O.S.No.5734 of 2013 on or before 31.01.2017, there is no question of considering the legality and correctness of the judgment in C.M.A.No.113 of 2015 at this point of time. Status quo as indicated above shall be preserved till the disposal of the civil suit by the learned Trial Judge.

5. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2016

Index:Yes/No
svki

To

1. IV Additional Judge, City Civil Court, Chennai
2. VI Assistant Judge, City Civil Court, Chennai.

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.3323 of 2016

25.10.2016

<http://www.judis.nic.in>