



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) Nos.2284 & 2285 of 2015

and

M.P (MD) No.1 of 2015

in

CRP (PD) (MD) No.2284 of 2015

C.R.P (MD) NO.2284 OF 2015:

Thirvenkadam ..Petitioner/Respondent/Defendant/Respondent

Vs.

C.S.I. Madurai Ramanathapuram
Thirumandala Trust,
Rep. By its Secretary,
Dasaiyan.

..Respondent/Appellant/Plaintiff/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in C.M.A.No.3 of 2014 on the file of the Principal Sub-Court, Dindigul, dated 14.07.2015 reversing the fair and decreetal order passed in I.A.No.848 of 2013 in O.S.No.719 of 2013 on the file of the Principal District Munsif Court, Dindigul, dated 23.01.2014.

C.R.P (MD) NO.2285 OF 2015:

Thirvenkadam ..Petitioner/Respondent/Defendant/Respondent

Vs.

1.C.S.I. Diocese
Rep. By its Secretary,
Dasaiyan

..1st Respondent/Appellant/1st respondent

2.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

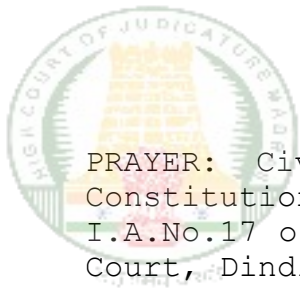
3.The District Collector,
Dindigul District.

4.The District Revenue Officer,
Dindigul District.

5.The Revenue Divisional Officer,
Dindigul, Dindigul District.

6.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

..Respondents 2 to 6/Proposed respondents 2 to 6



PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.17 of 2014 in C.M.A.No.3 of 2014 on the file of the Principal Sub-Court, Dindigul, dated 24.03.2015.

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For Petitioner : Mr.M.P.Senthil (In Both C.R.Ps)
For Respondent(R-1) : Mr.S.Anand Chandrasekar
(In Both C.R.Ps)

COMMON ORDER

The memorandum of Civil Revision Petition in C.R.P(MD)No.2284 of 2015 is directed against the judgment and decree, dated 14.07.2015 and made in Civil Miscellaneous Appeal in C.M.A.No.3 of 2014 on the file of the Principal Subordinate Court, Dindigul reversing the fair and decreetal order, dated 23.01.2014 and made in the interlocutory application in I.A.No.848 of 2013 in O.S.No.719 of 2013 on the file of the Principal District Munsif Court, Dindigul.

2. The memorandum of Civil Revision Petition in C.R.P(MD)No.2285 of 2015 is directed against the fair and decreetal order, dated 24.03.2015 and made in the interlocutory application in I.A.No.17 of 2014 in Civil Miscellaneous Appeal in C.M.A.No.3 of 2014 on the file of the Principal Subordinate Court, Dindigul.

3. The issue involved in both the Civil Revision Petitions is one and the same and the parties to the revision petitions are also one and the same. Both the Revision Petitions have therefore been consolidated together, heard jointly and disposed of in this common order.

4. The Revision Petitioner herein is the defendant in the suit in O.S.No.719 of 2013 on the file of the learned District Munsif, Dindigul, whereas the respondent is the plaintiff. It appears that the respondent had filed the said suit as against the revision petitioner seeking the relief of permanent injunction not to up any new construction in the portion marked in red colour in the rough sketch appended to the plaint measuring 1280 sq. ft. located on the backside of the suit property and to restrain the defendant/the revision petitioner from putting up any wall inside the hall which is located on the front portion of the aforesaid building (shown in violet colour in the rough sketch) and also not to sub-let any portion of the suit property to any third person. Along with the suit, the respondent had filed an interlocutory application in I.A.No.848 of 2013 under Order 39 Rule 1 and 2 of Code of Civil Procedure, seeking an order of interim injunction as against the revision petitioner.

5. Both the suit as well as the above said interlocutory application were resisted by the revision petitioner by filing written statement as well as counter statement.

6. After hearing both sides, the learned trial Judge had proceeded to dismiss the interlocutory application in I.A.No.848 of 2013 on 23.01.2014. Challenging the order of dismissal, the respondent/plaintiff had filed an appeal in C.M.A.No.3 of 2014 on the file of the Principal Sub-Court, Dindigul. During the pendency of the appeal, the revision



petitioner/defendant had filed an interlocutory application in I.A.No.17 of 2014 under Order 1 Rule 10 of Code of Civil Procedure, to implead the respondents 2 to 6 in the Civil Miscellaneous Appeal in C.M.A.No.3 of 2014.

7. After hearing both sides, the learned Principal Subordinate Judge, Dindigul had proceeded to dismiss the application in I.A.No.17 of 2014 on 24.03.2015 on the ground that the interlocutory application itself is not maintainable as the interlocutory application in I.A.No.848 of 2013 was filed to restrain the revision petitioner/defendant from putting up any construction on the disputed site.

8. Challenging the correctness of the order, dated 24.03.2015, the civil revision petition in C.R.P.No.2285 of 2015 has been filed by the revision petitioner/defendant. Thereafter, the lower appellate Court after hearing both sides had proceeded to allow the Civil Miscellaneous Appeal in C.M.A.No.3 of 2014 on 14.07.2015 reversing the order of the trial Court after granting ad-interim injunction in favour of the respondent/plaintiff. The interlocutory application in I.A.No.848 of 2013 was also allowed. The judgment and decree, dated 14.07.2015 and made in C.M.A.No.3 of 2014 has been challenged in the Civil Revision Petition in C.R.P(MD)No.2284 of 2015.

9. When both the Civil Revision Petitions were taken up for hearing today, Mr.S.Anand Chandrasekar, learned counsel appearing for the respondent/plaintiff has suggested that the revision petitioner/defendant might be given liberty to file a fresh implead petition under Order 1 Rule 10 of Code of Civil Procedure, before the trial Court as the suit is still pending and that the order of the trial Court made in I.A.No.17 of 2014 might be confirmed. He has also submitted that insofar as C.R.P (MD)No.2284 of 2015 is concerned an order of status-quo might be granted till the disposal of the suit and that the Civil Revision Petition might be disposed of accordingly.

10. Mr.M.P.Senthil, learned counsel appearing for the revision petitioner has endorsed the suggestion made by Mr.S.Anand Chandrasekar. Accordingly, both the civil Revision Petitions are disposed of with the following observations:

"Insofar as C.R.P(MD)No.2284 of 2015 is concerned, an order of status-quo as on date shall have to be maintained by both the parties till the disposal of the suit in O.S.No.719 of 2013. Insofar as C.R.P(MD)No.2285 of 2015 is concerned, the order of the lower appellate Court, dated 24.03.2015 and made in I.A.No.17 of 2014 in C.M.A.No.3 of 2014 is confirmed and the revision petitioner/defendant is at liberty file an application to implead the proposed parties in the suit before the trial Court."

There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)



To

1.The Principal Subordinate Judge,
Dindigul

2.The Principal District Munsif,
Dindigul.

+1cc to Mr.M.P.Senthil, Advocate in SR.2006

+1cc to Mr.Sarvabhauman Associates, in SR.2002

C.R.P (PD) (MD) Nos.2284 & 2285 of 2015
11.01.2016

PM

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