



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.08.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (MD) No.1473 of 2016

and

C.M.P (MD) No.7222 of 2016

1.K.M.Arjun Raja
2.K.M.Radhakrishna Raja
3.K.M.Ravichandra Raja
4.Muthammal .. Petitioners/Petitioners/Defendants

vs.

Vedanda Madam @ Bajanaai Madam,
47, Throwbathiamman Kovil Street,
Rajapalayam Town,
Virudhunagar District,
Rep. By Present Trustee,
K.R.Dharma Krishna Raja .. Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed by the Principal District Munsif Court, Srivilliputhur in I.A.No.297 of 2016 in O.S.No.1072 of 2004, dated 28.03.2016.

For Petitioners : Mr.G.Marimuthu

ORDER

This revision is directed against the order of the Principal District Munsif, Srivilliputhur, passed in I.A.No.297 of 2016 in O.S.No.1072 of 2004.

2.The respondent filed a suit in O.S.No.1072 of 2004 against the petitioners before the Principal District Munsif, Srivilliputhur, for permanent injunction. After contest, the suit was dismissed, which was also confirmed by the Appellate Court. Aggrieved over the same, the respondent preferred a second appeal in S.A.No.901 of 2008 before this Court. This Court, set aside the Judgments and Decrees passed by the Courts below and remanded the case to the trial Court for fresh disposal, based on the order of the Record Tenancy Tahsildar.



3. Heard Mr.G.Marimuthu, learned counsel appearing for the petitioner and perused the materials produced before this Court.

4. In Clause 4 of the decree in S.A.No.901 of 2008, this Court directed the trial Court to dispose of the suit in O.S.No.1072 of 2004 before the end of June, 2012, on the basis of the result of the proceedings pending before the Tahsildar.

5. Mr.G.Marimuthu, learned counsel appearing for the petitioner would submit that the Tahsildar has passed final orders against the petitioners and aggrieved over the order, he has preferred an appeal before the Revenue Divisional Officer. Till the disposal of the appeal, the proceedings in the suit cannot be proceeded with.

6. In view of the decree passed in S.A.No.901 of 2008, I am not able to accept the submission of the learned counsel for the petitioner. The application filed by the petitioners to stay all further proceedings in the suit till the disposal of the appeal pending before the Revenue Divisional Officer was rightly rejected by the trial Court. There is no illegality or irregularity in the order impugned in the revision.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

ps

To

The Principal District Munsif, Srivilliputhur.

+1CC to Mr.G.Marimuthu, Advocate Sr.No.41568

GJM/KBM/12.8.16-2p-3c

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