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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.09.2016
CORAM:
THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
CRP(PD)(MD).No.1996 of 2016

Bhukaraia Matriculation Higher Secondary
School,
Devipattinam, Ramanathapuram District,
rep. through its Manager : Revision Petitioner

-Vs-

1. Bismillah Khan
2. The Government of Tamil Nadu,
rep. through the District Collector,
Ramanathapuram District,
Office of the District Collector,
Ramanathapuram.
3. The Tahsildar,
Office of the Tahsildar,
Vandikara Street,
Ramanathapuram. : Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Ramanathapuram to dispose of the petition in I.A.No.92 of 2015 in A.S.No... 2014 within the stipulated period of time.

For Petitioner : Mr. T. R. Jeyapalan

O R D E R

This Civil Revision Petition has been filed to direct the learned Subordinate Judge, Ramanathapuram to dispose of the application in I.A.No.92 of 2015 in un numbered A.S within the stipulated period of time.

2. According to the petitioner, he has filed a suit in O.S.No.164 of 2014 on the file of the District Munsif Court, Ramanathapuram against the first respondent / plaintiff for the decree of permanent injunction. Along with the suit, the petitioner filed I.A.No.940 of 2014 for temporary injunction and the aforesaid application was ordered. Thereafter, the first respondent / plaintiff has filed CMA.No.4 of 2014 before the Sub Court, Ramanathapuram challenging the grant of temporary injunction and the same is pending.

3. The revision petitioner came to know about that the suit filed by the first respondent in O.S.No.33 of 2003, as against the respondents 2 and 3, the judgment and decree passed thereon, only when the petitioner received a private notice on 24.07.2014 in W.P.(MD).No. 13100 of 2013 on the file of this Court. Thereafter, he applied for the certified copy of the

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decree and judgment passed in O.S.No.33 of 2003 on the file of the District Munsif Court, Ramanathapuram. Against the aforesaid decree and judgment, the revision petitioner preferred an Appeal Suit before the Sub Court, Ramanathapuram. As the petitioner school is not a party in the above said suit, the petitioner filed I.A.No.92 of 2015 to permit the petitioner to implead the school as a party in the appeal suit and the said application is pending. In the aforesaid Interlocutory Application notice was ordered and the same has been served to the respondents and the first respondent has filed counter and posted for enquiry and thereafter, the said application has been adjourned from time to time. Therefore, the petitioner filed the present Civil Revision Petition with a prayer to direct the Sub Court, Ramanathapuram to dispose of the said Interlocutory Application as an early date.

4. Heard the learned counsel appearing for the petitioner.

5. A perusal of the aforesaid Interlocutory Application it is seen that notice was served to the respondents and the first respondent has also filed counter. The Sub Court, Ramanathapuram has also provide an opportunity to the respondents 2 and 3 to file a counter, if it so within the particular period. But, however, the respondents 2 and 3 has not filed any counter in that matter.

6. In the light of the facts and circumstances of the case, I am inclined to direct the learned Subordinate Judge, Ramanathapuram to dispose the aforesaid application, after providing an opportunity to the respondents, within a period of two months from the date of receipt of a copy of this order on merits and in accordance with law, if there is no legal impediment.

7. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar(C.S.I)

/True Copy/

Sub Assistant Registrar

To
The Subordinate Judge, Ramanathapuram
+1 cc to Mr.T.R.Jeyapalam, Advocate in SR No.57578

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