



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.2508 of 2016 (PD)

S.Selvaraj .. Petitioner/8th Respondent/8th Respondent

Vs.

1.S.Subramanian
2.K.Balu
3.K.Viswanathan
4.K.Maragatham
5.K.Mangalam
6.S.S.Krishnan @ Sivaramakrishnan
7.S.Ravichandran
8.S.Savithiri
to 7

.. Respondents/Respondents/Defendants 1

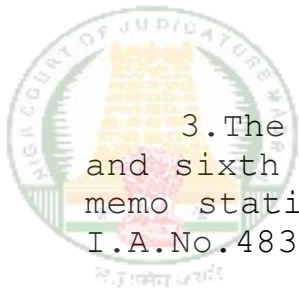
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Principal District Munsif Court, Kumbakonam to decide the I.A.No.483 of 2015 in O.S.No.254 of 2015 within the time frame fixed by this Court.

For Petitioner : Mr.R.Murali

ORDER

The petitioner has filed this Civil Revision Petition to direct the Principal District Munsif Court, Kumbakonam to decide the I.A.No.483 of 2015 in O.S.No.254 of 2015 within the time frame fixed by this Court.

2.The petitioner is the 8th respondent in I.A.No.483 of 2015 and 8th defendant in O.S.No.254 of 2015. The first respondent is the petitioner in I.A.No.483 of 2015 and plaintiff in O.S.No.254 of 2015. The first respondent filed suit in O.S.No.254 of 2015 on the file of the Principal District Court, Kumbakonam for the relief of permanent injunction restraining the petitioner and other respondents from interfering with his peaceful possession and enjoyment of the suit property except under the due process of law on the ground that he is cultivating tenant. The first respondent also filed I.A.No.483 of 2015 for temporary injunction along with suit. In I.A.No.483 of 2015 notice was ordered and the notice was served to the petitioner and other respondents.



3.The petitioner filed counter affidavit and written statement and sixth respondent has filed written statement and also filed a memo stating that written statement may be treated as counter in I.A.No.483 of 2015.

4.The learned counsel for the petitioner submitted that the petitioner is the only contesting respondent in I.A.No.483 of 2015 and defendant in O.S.No.254 of 2015. The Principal District Munsif Court, Kumbakonam, even after filing the written statement and counter, has not taken up the matter for hearing and I.A., and suit are being adjourned from time to time.

5.In view of the pendency of the said I.A.No.483 of 2015, the first respondent is creating problem to the petitioner. Therefore, he has come out with the present petition for direction to dispose the I.A.No.483 of 2015.

6.I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

7.From the records it is seen that notice in I.A.No.483 of 2015 is not served to some of the respondents and considering the facts and circumstances of the case, the Principal District Munsif Court, Kumbakonam is directed to issue notice to the respondents, to whom notice was not served and after service of the notice, the learned Principal District Munsif Judge, Kumbakonam is directed to dispose the I.A.No.483 of 2015 as expeditiously as possible.

8.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrarr (AE)

/True Copy/

Sub Assistant Registrar

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To

The Principal District Munsif, Kumbakonam.

Copy To : The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court, Madurai

+1CC to Mr.R.Murali, Advocate Sr.No.80259

GJM/GSV/PM/5.1.16-2p-4c