



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)Nos.567 and 568 of 2016(NPD)
and
C.M.P.(MD).No.2469 of 2016
in
C.R.P.(MD).No.567 of 2016

1.Mohanraj
2.Sivakumar

.. Petitioners in both petitions

Vs.

1.Duraiaraj Nadar
2.Seeniammal
3.Alex Raj
4.Arvin Raj

.. Respondents in both petitions

Common Prayer: These Civil Revision Petitions are filed under Section 115 of Civil Procedure Code, against the fair and executable orders, dated 06.01.2016 and 28.01.2016, made in I.A.Nos.16 of 2015, in an unnumbered C.M.A.No. of 2015 on the file of the learned Subordinate Judge, Thoothukudi.

For Petitioners : Mr.T.R.Jeyapalam
in both petitions

For R1 : Ms.S.E.Monica Vincent
in both petitions

COMMON ORDER

These Petitions are filed, against the fair and executable orders, dated 06.01.2016 and 28.01.2016, made in I.A.No.16 of 2015, in an unnumbered C.M.A.No.---of 2015 on the file of the learned Subordinate Judge, Thoothukudi.

2. The petitioners herein are the plaintiffs. They filed Suit for declaration and consequential injunction, not to put up any construction in the suit property, which is according to the petitioners, is a common path way. The respondents filed written statement and after framing issues, trial commenced. Pending suit, the petitioners filed I.A.No.59 of 2014, for temporary injunction,



restraining the respondents, not to put up any constructions in the suit property. On 23.06.2014, the said application was ordered and temporary injunction was granted. Against that order, the first respondent herein filed C.M.A. along with the application in I.A.No.16 of 2015, to condone the delay of 366 days in filing the appeal. The said application was allowed. Against the said fair and executable order, dated 06.01.2016 and 28.01.2016, made in I.A.No.16 of 2015 in unnumbered C.M.A.No.--- of 2015, the present Civil Revision petitions are filed.

3. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that already trial of the Suit was commenced and PW1 was examined in chief and it is posted for cross examination by the respondents, on 23.03.2016.

4. Heard the learned counsel appearing for the petitioner as well as the first respondent and perused the materials available on record.

5. Considering the facts and submissions made by the learned counsel for the petitioners, without deciding the issue on merits, these Civil Revision Petitions are disposed of directing the learned **(*)Principal District Munsif**, Thoothukudi, to dispose the suit, as expeditiously as possible, in any event, not later than 30th June, 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

(*)Amended as per order dated 02/06/2016 in

CRP(MD)Nos.567 & 568 of 2016.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

Substituted in the order already despatched on 18/04/2016.

1. The Subordinate Judge, Thoothukudi.

2. The Principal District Munsif, Thoothukudi.

+lcc to M/s. S.E. Monica Vincent, Advocate, Sr.No.14258

+lccto M/s.T.R.Jeyapalam, Advocate, Sr.No.13920

pjl

JM/JGB-DP-AR-I/18.04.2016/2P-4C (IT)

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