

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2224 of 2014
and M.P.No.1 of 2014

The General Manager
M/s. Taneja Aerospace and
Aviation Limited,
PeddhaBelagondappali Village and post,
Denkanikottai Taluk,
Krishnagiri District.

.. Petitioner

Vs.

1. B.N.Srinivas
2. N.Shivasankar
3. Puttamma

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Order and decretal order in C.M.A.No.1 of 2013, on the file of the learned Subordinate Court, Hosur dated 22.01.2014 in reversing the order and decretal order in I.A.No.489 of 2010 in O.S.No.205 of 2010, on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai dated 06.03.2013.

For Petitioner : Mr.T.Panchatsaram

For 2nd Respondent : Mr.P.Mani

ORDER

This Civil Revision Petition has been filed against the Order and decretal order in C.M.A.No.1 of 2013, on the file of the learned Subordinate Court, Hosur dated 22.01.2014 in reversing the order and decretal order in I.A.No.489 of 2010 in O.S.No.205 of 2010, on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai dated 06.03.2013.

2. The petitioner is the defendant and the respondents are the plaintiffs in OS.No.205 of 2010. The respondents filed the suit for declaration and for permanent injunction restraining the petitioner from interfering with the usage of their cart track in the suit property. Along with the suit, the respondents filed IA No.489 of 2010 for granting ad-interim injunction restraining the petitioner and their men from putting up any superstructure on the suit property and refrain them from interfering with their right of easement over the suit property till the disposal of the suit. The learned Judge dismissed the said IA No.489 of 2010 and against the said order of dismissal in IA., the respondents filed CMA No.1 of 2013 dated 22.01.2014 on the file of the Subordinate Judge, Hosur,

and the said CMA was allowed.

3. Against the order passed in C.M.A No.1 of 2013 dated 22.01.2014, the present Civil Revision Petition is filed by the petitioner.

4. In view of the relief sought for in the suit, the learned counsels appearing for the petitioner as well as respondents submitted that they wanted speedy disposal of the suit. Both the learned counsels further submitted that this Court by order dated 11.08.2014 appointed an Advocate Commissioner and the Advocate Commissioner inspected the suit property and filed a report dated 27.08.2014. The respondents filed the objection to the report of the Advocate Commissioner. The report of the Advocate Commissioner and objections filed may be taken into consideration while deciding the suit.

5. In view of the above submissions without deciding the issue on merits, the Civil Revision Petition is disposed of, with a direction to the learned Trial Judge to decide the suit on merits, considering the facts and pass appropriate orders on merits and in accordance

V.M.VELUMANI, J.

jv

with law, as expeditiously as possible, not later than three months from the date of receipt of a copy of this order. Till such time, Status quo as on today, shall be maintained by the parties.

6. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.06.2017

Index : Yes
speaking order/non speaking order
jv

Note: Registry is directed to send the copy of the report filed by the Advocate Commissioner and objection filed by the respondents before this Court to the Trial Court.

To

1. The Subordinate Court, Hosur
2. The District Munsif-cum-Judicial Magistrate, Denkanikottai

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