

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.08.2017

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THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP.(PD).No.2854 of 2017

and

CMP.No.13445 of 2017

R.Sanjeev Kumar
..Petitioner

.Vs.

P.Murugesan Pillai

...Respondent

Prayer : Civil Revision Petition filed Under Article 227 of the Constitution of India against the order and decretal order in C.M.A 9 of 2016, on the file of Subordinate Court, Pollachi, dated 28.04.2017 in reversing the well considered order in I.A. 467 of 2016, on the file of District Munsif, Pollachi, dated 13.06.2016 in O.S. 145 of 2016, on the file of District Munsif, Pollachi.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.R.Lakshmi Narasimhan
Counsel for Caveator(T/E)

ORDER

This suit for permanent injunction has been filed by the Revision Petitioner. Injunction was granted by the trial court, against which an Appeal was filed before the lower Appellate Court, wherein, the

injunction order passed was set aside. Aggrieved by the same, the present Revision has been filed.

2.The learned counsel for the caveator would submit that the respondent / defendant is 90 years old. Both the counsel for the parties would submit that an earlier disposal of the suit will satisfy the parties before the trial court.

3.Considering the limited request made by the learned counsel on either side, direction is issued to the District Munsif, Pollachi to dispose of the suit in O.S.No.145 of 2016 within a period of three months by conducting the trial on day to day basis. Both the counsel would submit that the respective parties to the suit are in possession of the property.

4.The learned counsel appearing for the petitioner would submit that the respondent is enjoying the injunction granted by the trial Court and the same was later set aside by the lower Appellate Court.

5.Be that as it may, as on today, both the parties are claiming possession. The learned counsel for the respondent would submit that an application is pending before the trial Court in I.A.No.299 of

2017 for rejection of plaint. Therefore, whatever the facts of the case, the status quo granted by the trial Court shall be maintained and both parties are directed not to interfere with the possession as against each other and not to create problems through police, use other forces in respect of suit property till the disposal of the suit. The learned District Munsif is directed to decide the I.A.No.299 of 2017 on merits and thereafter dispose of the suit, but it is made clear that the above exercises should be completed within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is also closed. No costs.

24.08.2017

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Index:Yes/No

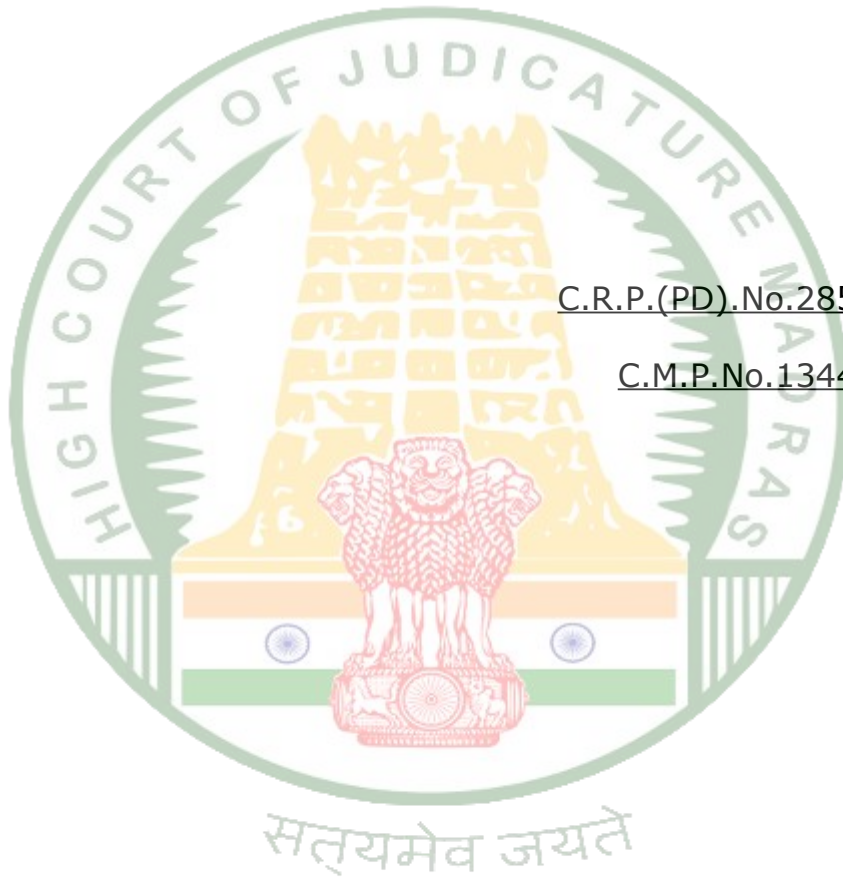
Internet:Yes/No

Note: Issue order copy on 31.10.2017

To

1. The Subordinate Judge, Pollachi
2. The District Munsif, Pollachi.

M.GOVINDARAJ, J.
kas



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