

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.3627 of 2017
and CMP.No.16934 of 2017

H.S.Ramamurthy ..Petitioner

Vs.

1.Vinutha Baskaran
Represented by her husband/GPA Holder,
Dr.M.Baskaran,
Son of S.S.Munisamy,
No.7, Surya Hospital, Tank Street,
Hosur Town & Taluk,
Krishnagiri District

2.H.S.Rajendiran ..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the Fair and Decretal Order passed in I.A.No.311 of 2015 in O.S.No.16 of 2011 dated 19.08.2017 on the file of the District Munsif Court at Hosur, Krishnagiri District.

For petitioner : Mr.R.Jayaprakash

ORDER

According to the revision petitioner, the first respondent has filed a suit in OS.No.16 of 2011 before the District Munsif Court, Hosur for permanent injunction. In the aforesaid suit, the first respondent has also filed an application in IA.No.69 of 2011 under Order 39 Rule I of the Civil Procedure Code for temporary injunction. The court below granted temporary injunction only in respect of vacant site and insofar as the godown where the revision petitioner is running business, is concerned, the court below permitted the first respondent to take due process under law in order to evict the revision petitioner. Pursuant to that, the revision petitioner filed an application in IA.No.311 of 2015 stating that the first respondent is trying to damage the said godown by dis-obeying the order made in IA.No.69 of 2011 and the same was dismissed. Hence, the revision petitioner has filed the present Civil Revision Petition.

2. The learned counsel for the revision petitioner would submit that the revision petitioner who is running business in the godown shall not be evicted, since the first respondent / plaintiff has already admitted the share of the revision petitioner. Therefore, the revision petitioner has filed the instant application. But the said application was dismissed. Therefore, the revision petitioner has filed

the present Civil Revision Petition before this Court.

3. On perusal of the records, the suit was filed in the year 2011. Injunction was granted on 30.04.2015. Thereafter, the instant application has been filed on 03.06.2015. Now, the case is posted for cross examination of PW1 on 06.10.2016. At this stage, this Court cannot entertain the Civil Revision Petition. Hence, there is no error or illegality in the order passed by the court below.

4. However, at this stage, in the interest of justice, this Court is inclined to direct the court below to dispose of the suit in OS.No.16 of 2011 in accordance with law as expeditiously as possible preferably within the period of five months from the date of receipt of a copy of this Order.

5. The Civil Revision Petition is disposed of with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

Speaking/Non-speaking order
Index :Yes/No
Internet:Yes/No
lok

WEB COPY

18.12.2017

D.KRISHNAKUMAR.J,

lok

To

The District Munsif Court,
Hosur, Krishnagiri District.

CRP.(PD).No.3627 of 2017
and CMP.No.16934 of 2017



WEB COPY

18.12.2017