

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3693 of 2017

Mary Infanta Sharmila Fernando ... Petitioner

Vs.

N.Jeevanandham, ... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, for a direction to dispose of O.S.No.199 of 2015 on the file of the learned Principal District Munsif, Karaikal within time frame fixed by this Court.

For Petitioner : Ms.Daisy
for M/s.G.Bala and Daisy

ORDER

According to the petitioner, the respondent has filed a suit in RCOP.No.199 of 2015 before the Principal District Munsif Court, Karaikal for permanent injunction praying for not to evict the plaintiff / respondent except due process of law. The petitioner filed written statement in the aforesaid suit. The respondent herein along with the suit has filed an application in I.A.No.254 of 2015 and the same is also

pending. The case of the petitioner is that the respondent herein has not paid the rent to the petitioner taking advantage of the pendency of the original suit in O.S.No.199 of 2015 filed by the respondent. Pursuant to that, the petitioner has also filed a suit in RCOP.No.5 of 2015 against the respondent for non-payment of rent. The petitioner has also filed an application in I.A.No.13 of 2017 in the said RCOP, which is also pending. According to the learned counsel for the petitioner, taking advantage of the pendency of the said original suit, the respondent has not paid the rent due to the petitioner. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

2. Considered the facts and also submissions made by the learned counsel for the petitioner.

3. Admittedly, the respondent has filed a suit in O.S.No.199 of 2015 praying not to evict the respondent / plaintiff except due process of law. Further, the respondent has filed an application in I.A.No.254 2015 in the aforesaid suit, which is also pending.

4. In view of the above said stage and considering the facts and circumstances of the case, this Court is inclined to pass the following order.

i) The court below is directed to dispose of the both interlocutory applications in I.A.No.13 of 2017 and I.A.No.254 of 2015 within a period of eight weeks from the date of receipt of a copy of this Order.

ii) After the disposal of the above said interlocutory applications, the trial court is directed to dispose of the suit in O.S.No.199 of 2015 as expeditiously as possible.

5. In the result, the Civil Revision Petition is disposed of with above directions. No costs.

05.10.2017

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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D. KRISHNAKUMAR J.

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To
The learned Principal District Munsif,
The Principal District Munsif Court,
Karaikal



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