

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD)No.4712 of 2017

D.Bhaskaran

.. Petitioner

Vs

Arcot Luthern Church
Rep.by its Secretary,
Having Regd.Office at
No.9, A.L.C.Campus,
Cuddalore 607 001
and having local office at
No.166, Broadway Main Road,
Parrys, Chennai 600 108.

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 07.12.2017 made in E.A.S.R.No.55630 of 2017 in E.P.No.2057 of 2011 in O.S.No.711 of 2000 on the file of learned IX Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.G.Veerapathiran

For Respondent : Mr.P.N.George Grahane

ORDER

This Civil Revision Petition is filed to set aside the the docket order dated 07.12.2017 passed in E.A.S.R.No.55630 of 2017 in E.P.No.2057 of 2011 in O.S.No.711 of 2000 on the file of learned IX Assistant Judge, City Civil Court, Chennai.

2. By consent of both parties, this civil revision petition is taken up for final disposal.

3. According to the learned counsel for the petitioner, the petitioner has filed a suit in O.S.No.711 of 2000 before the learned IX Assistant Judge, City Civil Court, Chennai, against one Jayakumar, represented by its Proprietor, seeking delivery of vacant possession of the suit property. An exparte decree was passed on 01.04.2009. The petitioner has filed an application in I.A.No.6009 of 2015 to implead him as the defendant in O.S.No.711 of 2015 under Order 1 Rule 10 of C.P.C. The said application was dismissed. While dismissing the said application, the trial Court observed that the petitioner has no *locus standi* to file this petition, if the petitioner had any interest in the suit premises, by invoking under Section 47 of Civil Procedure Code, the petitioner can approach the execution Court with a petition seeking to decide his alleged interest over the suit premises. Aggrieved against the above said order, the petitioner filed EA.Sr.No.55630 of 2017 for dismissing the EP.No.2057 of 2011. On the basis of the explanation submitted by the petitioner, the Court below posted the petition for maintainability on 22.12.2017 in an unnumbered E.A.

5. By consent of both parties, this Court is inclined to pass the following order:

i) The learned IX Assistant Judge, City Civil Court, Chennai is directed to number the E.A.SR.No.55630 of 2017, if it is in order, subject to the maintainability of the said Application.

ii) Both parties undertake to co-operate for speedy disposal of the matter and the Court below is directed to dispose of the application, within a period of four weeks thereafter;

iii) Till the disposal of the application filed under Section 47 of C.P.C., the execution petition in E.P.No.2057 of 2017 in O.S.No.711 of 2000 shall be kept in abeyance.

6. With the above observation, the civil revision petition is dismissed.

No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

kkd

Note : Issue Order copy on 19.12.2017

D.KRISHNA KUMAR,J

kkd

To

The IX Assistant Judge,
City Civil Court, Chennai.



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