

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD) Nos.58 of 2017 and 59 of 2017

1. K.Kanagaraj
2. K.Revathi .. Petitioners in both C.R.Ps

Versus

1. J.K.Builders
Rep by its Partner Salamon
2. G.Sulochana
3. R.Jawahar Raj ..Respondent in C.R.P(PD).No.58 of 2017

1. J.K.Builders
Rep by its Partner Salamon
2. G.Sulochana .. Respondents in C.R.P(PD)No.59 of 2017

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India praying to direct the Sub Judge, Tambaram to dispose the interlocutory applications in I.A.No.267 of 2015 and I.A.No.861 of 2015 respectively in O.S.No.75 of 2015 on the file of the Sub Court, Tambaram on merit in accordance with law within a stipulated time.

For Petitioner in both C.R.Ps :Mr.P.R.Thiruneelakandan

COMMON ORDER

The defendants 1 and 2 in the suit, are the petitioners in both the revision petitions.

2. The suit is one for permanent injunction restraining the defendants from interfering with the peaceful and enjoyment of the plaintiff.

3. It is stated by the learned counsel for the petitioners that earlier, the plaintiff had filed O.S.No.247 of 2014 for bare injunction with respect to the suit property. However, he was not successful in getting an order of injunction. Being unsuccessful in his attempt, the respondent/plaintiff, even pending the said suit, has filed the present suit for the same relief and obtained an order of injunction in I.A.No.267 of 2015. The revision petitioners/defendants have also filed their counter in that application. However, it is not taken up for trial. In the meanwhile, the another application in I.A.No.861 of 2015 was filed by the defendants under Order 7 Rule 11 C.P.C for rejection of the plaint on the ground that the plaintiff has got no cause of action as his earlier suit is still pending

and the second suit is only an abuse of process. The said application, counter has not yet been filed. That apart, it appears that there seems to be an Arbitration Clause, based on which, another application was filed by the defendants.

4. The grievance of the revision petitioners/defendants 1 and 2 is that the plaintiff has obtained the order of injunction fraudulently without disclosing all the facts. Despite the counter being filed, the interlocutory applications have also not been taken up for enquiry by the trial Judge and the application filed under Order 7 Rule 11 C.P.C is also pending without any progress. Therefore, the revisions are filed seeking a direction to the Sub Court, Tambaram to dispose of I.A.No.861 of 2015 and I.A.No.267 of 2015 expeditiously.

5. In the light of the above facts, this Court is inclined to direct the Subordinate Judge, Tambaram to dispose of both the I.As as expeditiously as possible, however, not later than 28.02.2017.

PUSHPA SATHYANARAYANA.J

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6. With the above direction, the Civil Revision Petitions are disposed of. No costs.

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12.01.2017

To

The Sub Court,
Tambaram

C.R.P.(PD) Nos.58 of 2017
and 59 of 2017

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