

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

CRP(PD)No.3954 of 2011 and
M.P.Nos.1 and 2 of 2011

D.Suresh Sankar

.. Petitioner

..Vs..

1. D.Lakshmi
2. Udayakumar
3. Rajesh Kumar

.. Respondents

Prayer:-

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 09.09.2011 in Memo dated 23.08.2011 in O.S.No.4777 of 2011 pending on the file of learned XVI Asst. Judge, City Civil Court, Chennai and thereby permit the continuance of status quo.

For Petitioner : M/s Sharada Devi for
M/s BFS Legal

For Respondent : Mr.S.Balasubramanian – for R2
R1 and R3 – No appearance.

ORDER

This petition is filed to set aside the order dated 09.09.2011 in Memo dated 23.08.2011 in O.S.No.4777 of 2011 pending on the file of learned XVI Asst. Judge, City Civil Court, Chennai and thereby permit the

continuance of status quo.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.4777 of 2011. The petitioner filed the suit to declare the settlement deed as null and void, for partition and to allot 1/4th share to him and for permanent injunction restraining the respondents from putting up further construction. Along with the suit, the petitioner filed I.A.No.9576 of 2011 for temporary injunction restraining the respondents from putting up further construction pending suit.

3. The Learned Judge by an order dated 27.06.2011 ordered exparte status quo on the ground that the petitioner has made out prima facie case and directed the petitioner to comply order 39 Rule 3A of Civil Procedure Code. The 2nd respondent filed a memo stating that the petitioner failed to comply with the mandatory provision of Order 39 Rule 3A, as he failed to send the documents filed along with the plaint, but, sent only plaint, affidavit and petition and prayed for not to extend the status quo granted on 27.06.2011. The learned Judge recorded the memo and did not extend the order of status quo. Against the same, the present civil revision petition is filed.

4. This Court granted interim stay of the impugned order and the order of the status quo is still in force. The respondents have filed written

statement. In view of the interim stay, filing of the written statement by the respondents, without deciding the issue in this civil revision petition on merits, the learned XVI Asst. Judge, City Civil Court, Chennai is directed to dispose of the suit on merits and in accordance with law, as expeditiously as possible not later than four months from the date of receipt of copy of the order. Till the disposal of the suit, the order of status quo originally granted will be in force.

In the result, this civil revision petition is disposed of. Consequently connected miscellaneous petitions are closed. No costs.

20.06.2017

ssd

Index :Yes / No

Internet:Yes / No

Speaking Order/Non Speaking Order

To

The learned XVI Asst. Judge,

City Civil Court, Chennai

V.M.VELUMANI,J

ssd

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