

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**CRP(PD)No.2304 of 2010
and
M.P.No.1 of 2010**

M.K.Thangavelu

.. Petitioner

Vs.

1.Saroja

2.T.Aruldevi

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the respondents directing the learned District Munsif, Sriperumbudur to dispose the I.A.No.1598 of 2003 before the District Munsif Court, Poonamallee, now renumbered as I.A.No.1169 of 2009 as per the injunction granted in I.A.No.3375 of 1996 in O.S.No.1092 of 1996 dated 20.12.1996 now renumbered before District Munsif Court, Sriperumbudur as O.S.No.287 of 2009.

For Petitioner : Mr.T.P.Kathiravan

For Respondents : Mr.A.Palaniappan

ORDER

The petitioner has filed this Civil Revision Petition to direct the Learned Additional District Munsif Court, Sriperambadthur to dispose of the I.A.No.1169 of 2009 in O.S.No.287 of 2009.

2.The factual matrix of the revision petitioner's case that he is the lawful owner of the suit property and the same was purchased by him on 06.06.1990 in the name of the 1st respondent herein, who was his legally wedded wife till 1994. The revision petitioner is maintaining the suit property, in the mean time the 1st respondent having deserted the revision petitioner started living separately without any valid reason. Therefore the revision petitioner filed the above suit as against the 1st respondent praying for a permanent injunction restraining the 1st respondent from alienating or transferring or in any manner dealing with the suit property. In the said suit there was an order of interim injunction in I.A.No.375 of 1996 granted by the trial Court, restraining

the 1st respondent from alienating or transferring or in any manner dealing with the suit property. However, regardless of the above order and in sheer violation of the interim injunction in I.A.No.375 of 1996, the 1st respondent fraudulently executed a settlement deed dated 15.05.2002 in favor of the 2nd respondent. Thereupon the revision petitioner filed an interlocutory application under Order 39, Rule 2(A) of CPC r/w Section 2(b) of the Contempt of Courts Act 1971 in I.A.No.1598 of 2003 before the trial Court, which then was at Poonamalli, praying for an appropriate action against the respondents for violating the order made in I.A.No.3375 of 1996. After bifurcation the suit came to be transferred to the jurisdictional District Munsif Court at Sriperambuthur and it was renumbered as O.S.No.287 of 2009 and the interlocutory application in I.A.No.1598 of 2003 came to be renumbered as I.A.No.1169 of 2009.

3.Though the said I.A. was of the year 2003, the learned District Munsif, till date has not taken any step to dispose of the above I.A. Therefore invoking the superintending power of this Court under Article 227 of the Constitution of India, the petitioner prays for a direction to the learned trial Judge to dispose of the I.A.No.1169 of 2009 within a time frame.

4.I heard Mr.T.P.Kathiravan, learned counsel appearing for the revision petitioner and Mr.A.Palaniappan, learned counsel appearing for the respondents.

5.It is noticed from the counter affidavit filed by the 1st respondent, all the contention of the revision petitioner is vehemently resisted by the 1st respondent and she claims innocence.

6.Though very many contentions seem to be put forth by either side, this Court in view of the limited prayer sought by the revision petitioner, besides on taking into account of the fact that the above said Interim Application in I.A.No.1598 of 2003 is of the year 2003 and the 1st respondent herein has also filed her counter as early as on 28.01.2004, but the matter remains undecided and stand posting under the caption "for enquiry finally", this Court deems fit to direct the trial Court to dispose of the I.A.No.1169 of 2009 within a period of one month.

7.In the result:

(a) this Civil Revision Petition is allowed;

(b) the learned Additional District Munsif, Sriperumbudur is directed to dispose the I.A.No.1169 of 2009 within a period of one month from the date of receipt of copy of this order, by giving notice to both the parties and to pass appropriate order on merits and in accordance with law;

(c) it is made clear that the learned District Munsif, Sriperumbudur, is hereby directed the said Interlocutory Application should be disposed within the time stipulated by this Court, without giving any adjournments to either parties. Both the parties are hereby directed to give their fullest co-operation for early disposal. No cost. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

02.02.2017

Note:Issue order copy on 29.08.2017

Internet:Yes

Index:Yes

vs

To
The District Munsif,
Sriperumbudur.

M.V.MURALIDARAN, J.

VS



**CRP(PD)No.2304 of 2010
and
M.P.No.1 of 2010**

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C.R.P.No.2304 of 2010**M.V.MURALIDARAN, J.**

Today, the matter is listed under the caption "for being mentioned" at the instance of learned counsel for the respondents.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. It is represented by the learned counsel for the petitioner that the matter has already been disposed of on 02.02.2017 by directing the Trial Court to dispose of the Interlocutory Application in I.A.No.1169 of 2009, within a period of one month from the date of receipt of a copy of the order, by giving notice to both the parties.

4. The learned counsel appearing for the respondents wants further direction to dispose of the main suit in O.S.No.1092 of 1996 itself.

5. The learned counsel for the petitioner also submits that after disposing of I.A.No1169 of 2009, this Court may also direct the learned District Munsif, Sriperumbudur to dispose the suit itself.

6. The request made by the learned counsel for the respondent is acceptable one. Therefore, the learned District Musif, Sriperumbudur is directed to dispose the Interlocutory Application in I.A.No.1169 of 2009 within a period of one month from the date of receipt of a copy of this order and after disposing the Interlocutory Application in I.A.No.1169 of 2009, dispose the suit in O.S.No.1092 of 1996 as the suit is of the year of 1996, within a period of two months thereafter. The learned District Munsif is also directed to take the suit on day to day basis, without giving any adjournment to either parties, since the suit is pending for more than 21 years. The learned District Munsif, Sriperumbudur, after disposing the Interlocutory Application as well as the suit, is directed to report to this Court, within a period of ten days from the date judgment in Interlocutory Application in I.A.No.1169 of 2009 as well as Original Suit in O.S.No.1092 of 1996.

7. Registry is directed to carry out the necessary corrections and issue fresh order copy.

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Note: Issure Order copy on 10.10.2017

C.R.P(NPD)No.2304 of 2010