

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.3861 of 2016 &

C.M.P.No.19653 of 2016

1. Thangam Periasami Educational Trust its
Managing Trustee Rajendran
S/o.Periysamy
Thiruvalluvar street
Vridhachalam Town and TALuk

2. Selvamani.

..Petitioners

v.

1. Senthamizhselvi
2. Radhakrishnan

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order made in I.A. No. 419 of 2013 in O.S. No.6 of 2013, dated 24.06.2016 on the file of the III Additional District & Sessions Judge, Cuddalore at Vridhachalam.

For Petitioner : Mr.S. William

For Respondents : Mrs. Hema Sampath, Senior Counsel
for Mrs.R.Meenal

ORDER

Challenging the order passed in the I.A.No. 419 of 2013 in O.S. No.6 of 2013, on the file of III Additional District Judge, Cuddalore at Vridhachalam, the defendants have filed the above Civil Revision Petition.

2. The respondent-plaintiff filed the suit in O.S. 6 of 2013 for passing a scheme decree for the Trust. The defendants have filed their written statement and are contesting the suit and the suit is ripe for trial. At that stage, the defendants filed an application in I.A. No. 419 of 2013 under section 10 of CPC to stay the suit, till the dispose of the appeal in A.S. No.454 of 2011 on the file of this court.

3. Aggrieved over the decree and judgment and decree passed in O.S. No.3 of 2006, the revision petitioners preferred an appeal in A.S. 454 of 2011 before this court against the respondents for permanent injunction restraining them from interfering with the management of the Trust and the same is pending. The petitioners have also filed appeals in A.S. No. 452,453 and 455 of 2011 as against the judgement and decree

passed in O.S. Nos. 1 of 2016, 2 of 2016 and 4 of 2016 respectively.

4. According to the learned counsel on either side, the appeals are pending before this court. In the affidavit filed in support of the Civil Revision Petition, the revision petitioners have stated that the disposal of the appeal in A.S. No. 454 of 2011 shall have a bearing on the outcome of the suit in O.S. No. 3 of 2006. Therefore, the suit should be stayed till the disposal of the appeal in A.S. No. 454 of 2011. The suit in O.S. No. 6 of 2013 has been filed by the respondents for framing a scheme for the Trust. Whereas, the suit in O.S. No.3 of 2006 was filed by the first petitioner for permanent injunction restraining the respondents interfering with the management of the Trust.

5. Since the issue involved in the both the matters are different, I am of the view that there is no necessity for staying the suit O.S. No. 6 of 2013, till disposal of the appeal.

6. The Trial Court, taking into consideration all these aspects, rightly dismissed the application.

7. In these circumstances, I do not find any reason to interfere with the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Mr. S.William, learned counsel appearing for the petitioners and Mrs. Hema Sampath, learned Senior Counsel appearing for the respondents submitted that the Trial Court may be directed to dispose of the suit within a time frame. In view of the submissions made by the learned counsel on either side, I direct the III Additional District Judge, Cuddalore to dispose of the suit in O.S. No. 6 of 2013, on merits in accordance with law, on or before **30.06.2017**.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2017

Index : Yes/No

Rj/ak

To

The III Additional District & Sessions Judge,
Cuddalore at Vridhachalam.

M. DURAISWAMY,J.,

Rj/ak

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