

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2017

Coram

THE HON'BLE MR.JUSTICE **D. KRISHNAKUMAR**

C.R.P.(PD).No.744 of 2016
and CMP.No.4103 of 2016

N.Vishwanathan

...Petitioner

Vs.

State Bank of India
Coonoor, Rep. by its Branch Manager,
Mr.V.Sivakumar, S/o.S.Veerabhatran,
Residing at K.N.M.Compound,
Coonoor, The Nilgiris.

...Respondent

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India, to revise and set aside the order dated 25.11.2015 in I.A.No.941 of 2015 in O.S.No.59/2013, on the file of the Sub-Ordinate Judge of Nilgiris, Udthagamandalam.

For Petitioner : Mr.K.Hari shankar

For Respondent : Mr.M.L.Ganesh

ORDER

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The respondent has filed a suit in O.S.No.59 of 2013 for recovery for a sum of Rs.8,24,123/- together with interest. In the aforesaid suit, the petitioner has filed an interlocutory application in IA.No.941 of 2015 under section 151 of CPC seeking stay of the suit proceedings on

the ground that writ petition in WP.No.21444 of 2015 has been filed before this Court on behalf of Nilgiris District Floriculture Small Farmers Association. However, the trial Court has dismissed the said application. Challenging the said order, the petitioner/respondent has filed the present Civil Revision Petition before this Court.

2. According to the petitioner, pending CRP, this Court on 22.07.2016 in WP.No.21444 of 2015 passed an order with a direction to the State Government to examine how best the relief can be granted to the floriculturists keeping in mind the guidelines of the Reserve Bank of India, within a period of three months from the date of receipt of copy of the said order. According to the learned counsel for the petitioner, when there is direction issued by this Court is still pending with the Government, the petitioner will be prejudiced if any order has been passed by the trial court in the aforesaid suit. Therefore, the petitioner has filed the instant application seeking stay of the suit proceedings until the order passed by the Government.

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3. According to the respondent, the dispute involved in the present suit is not connected with the issue pending before the Government. The Scheme announced by the Government would not

apply to the petitioner and the relief sought for by the Association in the writ petition are entirely different. Hence, the contention of the petitioner cannot be countenanced and the same is liable to be rejected.

4. From the above facts, it is seen that the petitioner has filed the present application by contending that the Nilgiris District Floriculture Farmer Association has filed the Writ Petition in WP.No.21444 of 2015 seeking direction to the Government to frame a scheme for the debt alleviation of the farmers of Nilgiris District. This Court by an order dated 22.07.2016 in WP.No.21444 of 2015, disposed of the said Writ Petition with a direction to the Government to consider the grievance of the association.

5. In view of the aforesaid submissions of the parties, the relief sought for by the farmers association in the aforesaid writ petition, can be gone into the merits of the suit by filing appropriate documents. At this stage, the order passed by the trial court dismissing the application deserved to be confirmed. Therefore, this Court does not warrant to interfere with the order passed by the court below. However, it is open to both the parties to place the materials

before the court below to establish the applicability of the Scheme announced by the Government to the petitioner.

6. The Civil Revision Petition is dismissed with the above observations. There is no order as to costs. Consequently, the connected miscellaneous petition is closed.

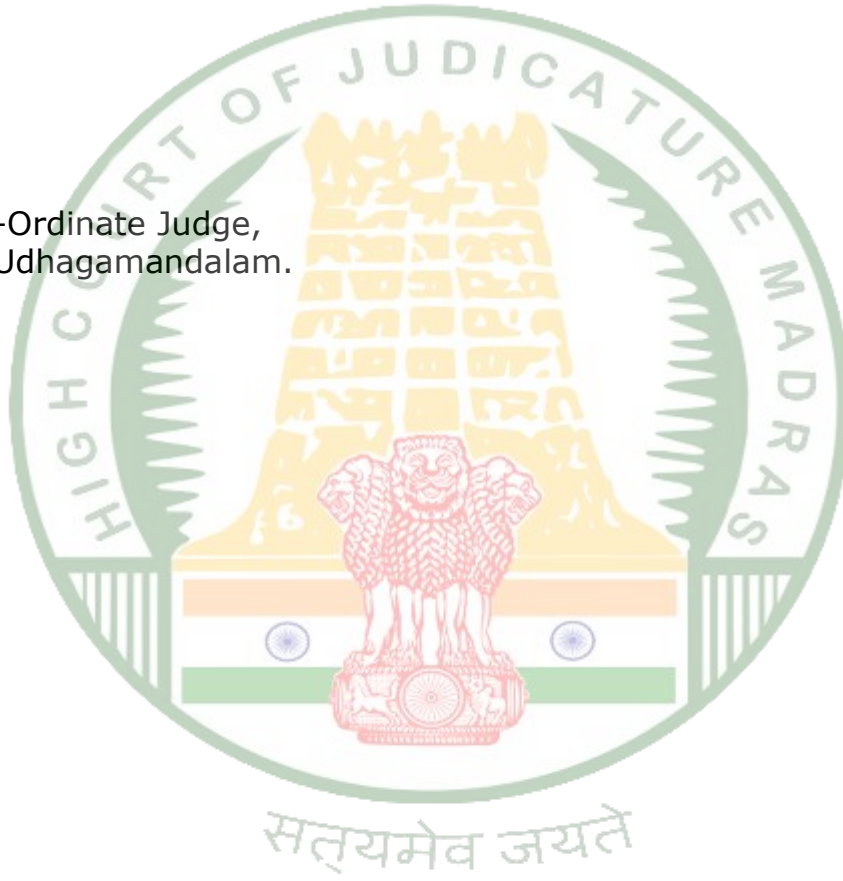
21.11.2017

Speaking/Non-speaking order
Index :Yes/No
Internet:Yes/No
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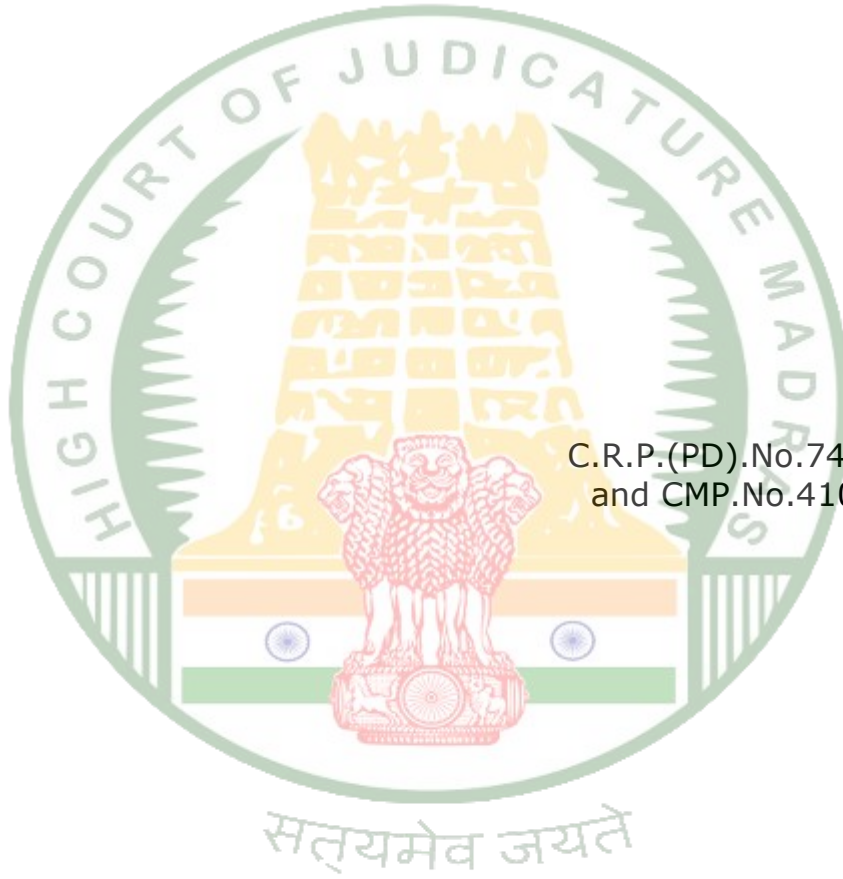
To
The Sub-Ordinate Judge,
Nilgiris, Udhagamandalam.



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D.KRISHNAKUMAR.J.

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