

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 767 of 2016  
and  
C.M.P. No. 4204 of 2016

1. T. Chandrakala  
2. B. Bala Vignesh @  
VigneshKanyaram (Minor) .. Petitioners

Vs

G. Ramamoorthy .. Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 24.08.2015 passed in I.A. No. 294 of 2015 in O.S. No. 140 of 2015 by the learned III Additional District and Sessions Judge at Coimbatore.

For Petitioners : Mr. M. Aravind Subramaniam  
For Respondent : No Appearance

**ORDER**

This revision arises against the order dated 24.08.2015 passed in I.A. No. 294 of 2015 in O.S. No. 140 of 2015 by the learned III Additional District and Sessions Judge at Coimbatore.

2. The respondent herein has filed a suit in O.S. No. 140 of 2015 for permanent injunction. The revision petitioners/ defendants filed an Interlocutory Application in I.A. No. 294 of 2015, under Order VII Rule 11 of CPC, seeking to reject the plaint, stating that the defendants had already executed sale deeds, a suit for partition has been filed in O.S. No. 191 of 2005, which was subsequently renumbered as O.S. No. 12 of 2013. Therefore, the subject matter in O.S. No. 140 of 2015 is not maintainable and hence the said suit is liable to be rejected. However, the trial court, without considering the contention of the petitioners have erroneously dismissed the application. The learned counsel for the petitioners would submit that the respondent has filed a suit in O.S. No. 140 of 2015 for permanent injunction and another suit in O.S. No. 190 of 2005 for partition. Therefore, this civil revision petition has been filed.

3. At this stage, the learned counsel for the petitioners

submitted before this Court that it would be suffice if a direction is given to the trial court to dispose of the suit, within the time frame fixed by this Court, since the suit is pending from the year 2005 and the present suit is of the year 2015.

4. Considering the submission of the learned counsel for the petitioners, without going into the merits of the case, the trial court is directed to dispose of the suit in O.S. No. 191 of 2005, re-numbered as O.S. No. 12 of 2013, within a period of six months from the date of receipt of a copy of this order. It is open to the petitioners to file appropriate application, for joint trial or simultaneous trial of the suits pending, if so advised.

5. The Civil Revision Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

**27.11.2017**

**D. KRISHNAKUMAR J.,**

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Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy on 29.11.2017]

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To

The III Additional  
District & Sessions Court,  
Coimbatore.

CRP (PD) No. 767 of 2016  
and  
C.M.P. No. 4204 of 2016

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