

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.3510 to 3513 of 2013
& M.P.Nos.1 & 1 of 2013
& C.M.P.Nos.7957 & 7624 of 2017

1.A.K.Chinnasamy
2.C.Chandramohan
3.C.Rajmohan

.. Petitioners in all
C.R.Ps'

Vs.

1.P.Muthusamy Gounder
2.T.Ramasamy
3.T.Chinnasamy
4.T.Palanisamy
5.T.Navaneethalakshmi
6.V.N.Ramasamy
7.P.Gnanasekaran
8.K.Thangavel
9.K.Appukutti

.. Respondents in
all C.R.Ps'

PRAYER in C.R.P.No.3510/2013: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order of the learned Subordinate Judge, Pollachi dated 30.04.2013 made in C.M.A.No.2 of 2010 against the order dated 13.11.2009 made in I.A.No.1963 of 2008 in O.S.No.644 of 2008 on the file of the District Munsif, Pollachi.

PRAYER in C.R.P.No.3511/2013: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal

order of the learned Subordinate Judge, Pollachi dated 30.04.2013 made in C.M.A.No.3 of 2010 against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

PRAYER in C.R.P.No.3512/2013: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal dated 30.04.2013 made in I.A.No.129 of 2010 in C.M.A.No.3 of 2010 on the file of the Subordinate Court, Pollachi against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

PRAYER in C.R.P.No.3513/2013: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal dated 30.04.2013 made in I.A.No.490 of 2012 in C.M.A.No.3 of 2010 on the file of the Subordinate Court, Pollachi against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

For Petitioners : Mr.S.Silambanan, Senior Counsel
(in all C.R.Ps') for M/s.Profexs Associates

For R2 to R4 : No appearance
(in all C.R.Ps')

For R5 to R9 : Mr.V.Raghupathi
(in all C.R.Ps')

COMMON ORDER

C.R.P.No.3510/2013 is filed against the fair and decretal order of the learned Subordinate Judge, Pollachi dated 30.04.2013 made

in C.M.A.No.2 of 2010 against the order dated 13.11.2009 made in I.A.No.1963 of 2008 in O.S.No.644 of 2008 on the file of the District Munsif, Pollachi.

C.R.P.No.3511/2013 is filed against the fair and decretal order of the learned Subordinate Judge, Pollachi dated 30.04.2013 made in C.M.A.No.3 of 2010 against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

C.R.P.No.3512/2013 is filed against the fair and decretal dated 30.04.2013 made in I.A.No.129 of 2010 in C.M.A.No.3 of 2010 on the file of the Subordinate Court, Pollachi against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

C.R.P.No.3513/2013 is filed against the fair and decretal dated 30.04.2013 made in I.A.No.490 of 2012 in C.M.A.No.3 of 2010 on the file of the Subordinate Court, Pollachi against the order dated 13.11.2009 made in I.A.No.1485 of 2008 in O.S.No.406 of 2007 on the file of the District Munsif, Pollachi.

2.In all the four Civil Revision Petitions, the parties are one and the same, issues are interlinked and therefore, they are disposed of by this common order.

3.Both the learned Senior Counsel for the petitioners and learned counsel for the respondents stated that the petitioners filed suit in O.S.No.644 of 2008 against the respondents for permanent injunction restraining the respondents from interfering with their peaceful possession and enjoyment of the suit property and the respondents 1 to 4 filed suit in O.S.No.406 of 2007 against the respondents 5 to 9 and petitioners for permanent injunction restraining the respondents 5 to 9 and petitioners from interfering with their peaceful possession and enjoyment of the suit property.

4.Along with the suits, they filed I.A.No.1963 of 2008 in O.S.No.644 of 2008 for temporary injunction; ad-interim injunction till the disposal of this application and I.A.No.1485 of 2008 in O.S.No.406 of 2007 for interim mandatory injunction. Initially, by the order dated 13.11.2009, the learned District Munsif, Pollachi granted interim injunction in I.A.No.1963 of 2008 and then I.A.No.1963 of 2008 was allowed and interim order granted was

made absolute. By the order dated 13.11.2009, the learned District Munsif, Pollachi dismissed the I.A.No.1485 of 2008.

5. Against the order of dismissal dated 13.11.2009, made in I.A.No.1963 of 2003, the respondents 1 to 4 filed C.M.A.No.2 of 2010 against the respondents 5 to 9 and petitioners. Against the order dated 13.11.2009 made in I.A.No.1485 of 2008, the respondents 1 to 4 filed C.M.A.No.3 of 2010 on the file of the Subordinate Court, Pollachi against the respondents 5 to 9 and petitioners. The learned Subordinate Judge allowed both the appeals. Against the said judgments dated 30.04.2013, made in C.M.A.Nos.2 & 3 of 2010, the **C.R.P.Nos.3510 & 3511 of 2013** respectively are filed by the petitioners.

6. The petitioners filed I.A.Nos.129 of 2010 and 490 of 2012 in C.M.A.No.3 of 2010 to receive the petition mentioned document as additional evidence and to mark it as an exhibit. The learned Subordinate Judge, by the order dated 30.04.2013, dismissed both the applications. Against the said orders of dismissal, the petitioners have come out with the **C.R.P.Nso.3512 & 3513 of 2013**.

7.Considering the reliefs sought for in the suits, without deciding the Civil Revision Petitions on merits, the learned Subordinate Judge is directed to dispose of the suits in O.S.Nos.406 of 2007 and 644 of 2008 as expeditiously as possible, in any event, not later than two (2) months from the date of receipt of a copy of this order. Till such time, the status-quo as ordered on 27.09.2013 by this Court in C.R.P.Nos.3510 to 3513 of 2013 is to be maintained by both the parties.

8.With the above direction, all these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

15.12.2017

Index: Yes/No

gsa

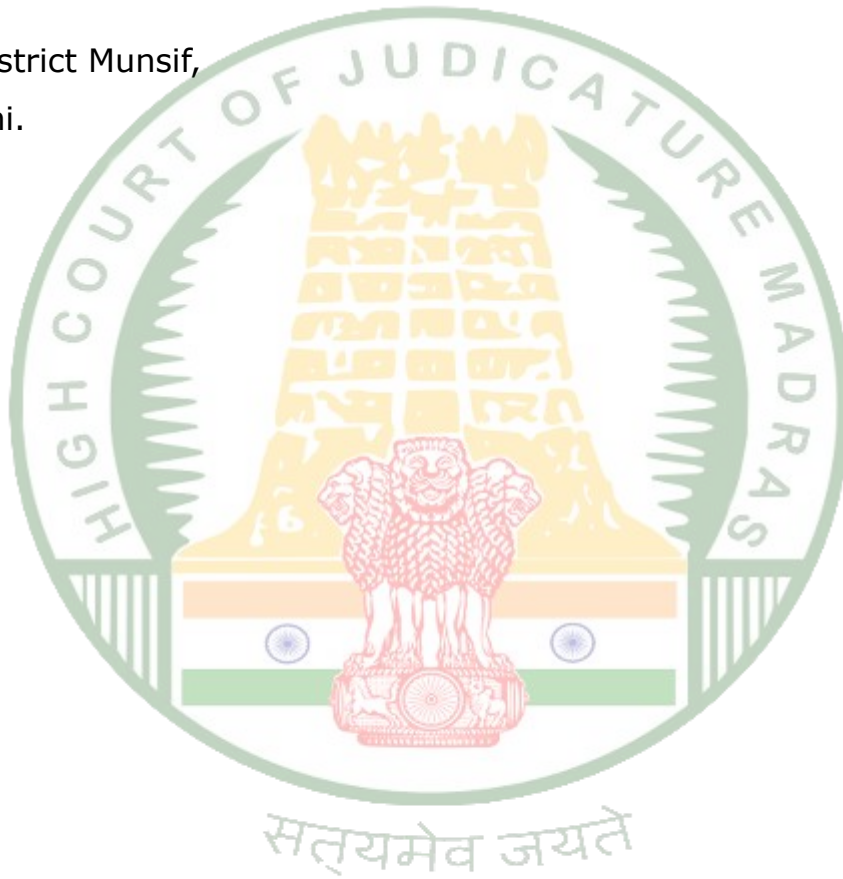
Note: Issue order copy by 18.12.2017

WEB COPY

To

1.The Subordinate Judge,
Pollachi.

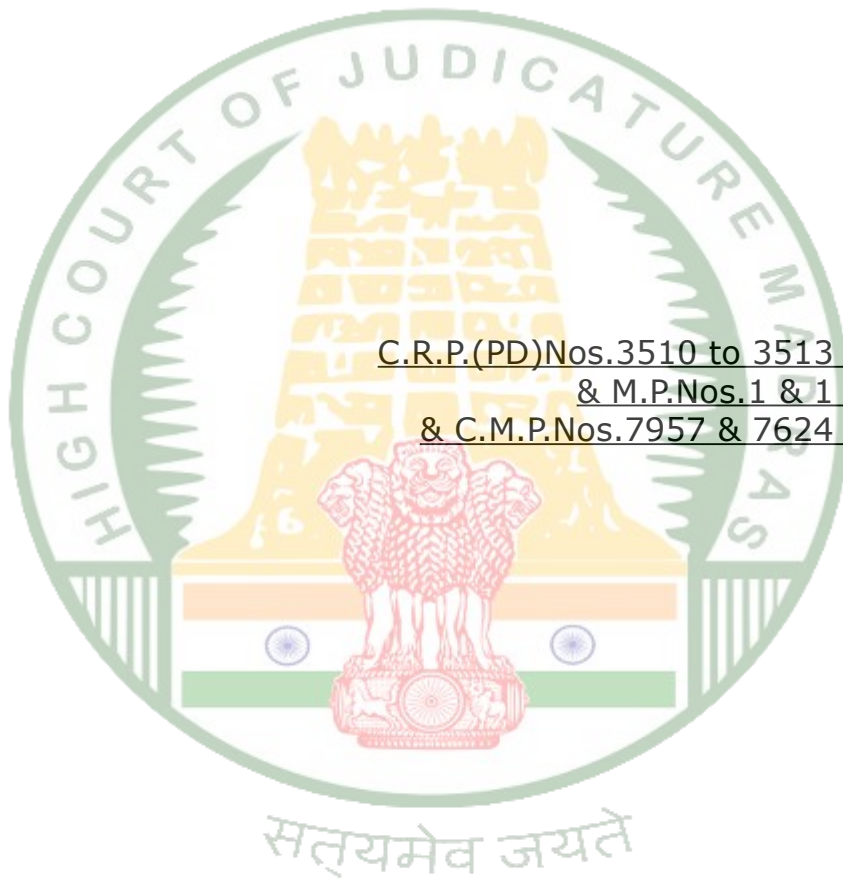
2.The District Munsif,
Pollachi.



WEB COPY

V.M.VELUMANI, J.

gsa



C.R.P.(PD)Nos.3510 to 3513 of 2013
& M.P.Nos.1 & 1 of 2013
& C.M.P.Nos.7957 & 7624 of 2017

WEB COPY

15.12.2017