



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.263 of 2017 (PD)
and
C.M.P. (MD) No.1243 of 2017

R. Krishnasamy ... Petitioner/ 21st Defendant /
Revision Petitioner
Vs
1.Bagavathy
2.S.Natchimuthu
3.R.Palanisamy ... Respondents/Plaintiffs/
Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the return dated against the order dated 02.01.2017 returning the application in IA(SR)No.10809 of 2016 in O.S.No.223 of 2010 on the file of the Principal District Munsif, Karur and allow the Revision as prayed for.

For Petitioner : Mr. AL. Ganthimathi

ORDER

The petitioner has filed this Civil Revision Petition to set aside the return, dated 02.01.2017 returning the application in IA (SR)No.10809 of 2016 in O.S.No.223 of 2010 passed by the Principal District Munsif, Karur.

2.The petitioner is the 21st defendant in the suit. The respondents are the plaintiffs. The first respondent filed suit in O.S.No.223 of 2010 for declaration and permanent injunction and for other relief. The petitioner has filed written statement and contesting the suit. The petitioner has stated that he is in possession and enjoyment of the suit property. In the proceedings before the Revenue Official, the District Revenue Officer in proceedings, dated 19.05.2014 directed the Tahsildar to issue patta to the petitioner. The first respondent challenged the said proceedings in W.P.(MD)No.10406 of 2014 before this Court and the said writ petition is pending. The petitioner filed petition under Section 10 of C.P.C., to stay the further proceedings in the suit in O.S.No.223 of 2010 till the disposal of the W.P.(MD)No.10406 of 2014. The learned Judge returned the I.A., on the ground that suit is 6 years old, and ripped for trial. As per the Circular of this Court all the suits more than five years old are to be disposed of expeditiously. The petitioner re-presented the said application with endorsement that only when patta proceedings are finally decided, the suit can be proceeded with. The learned Judge again returned the said application.

3. Against the said return, the petitioner has come out with the present Civil Revision Petition.

4. From the materials, it is seen that the issue in the writ petition is with regard to issue of patta. The issue in the suit is with regard to declaration of title and consequential injunction. In the circumstances, the application is not maintainable. There is no illegality or irregularity warranting interference by this Court.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Writs)

/TRUE COPY/

Sub Assistant Registrar

To
The Principal District Munsif,
Karur.

+1 cc to M/S.AL.Gandhimathi, Advocate, SR.No:7400

sva/bs/27.02.2017/2p/3c

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