



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.322 of 2017 (NPD)

and

C.M.P (MD) No.1587 of 2017

1.Ramanathan

2.Muthu @ Alagarsamy

...Petitioners/Petitioners/Appellants

Vs.

1.Rengasamy

2.Murali

3.Aasaithambi

4.Kasi

....Respondents/Respondents/Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order passed by Sub Court, Ramanathapuram in I.A.No.100 of 2015 in A.S.No.19 of 2015, dated 23.12.2016 and may set aside the same.

For Petitioners : Mr.S.Kameswaran

ORDER

The petitioner has filed this Civil Revision Petition to set aside the fair and decreetal order passed by Sub Court, Ramanathapuram in I.A.No.100 of 2015 in A.S.No.19 of 2015, dated 23.12.2016.

2.The petitioners are the defendants 1 & 2 and appellants in A.S.No.19 of 2015 and respondents 1 to 3 are the plaintiffs and the fourth respondent is the third defendant in the suit. The respondents 1 to 3 filed suit in O.S.No.72 of 2009 for injunction restraining the petitioners and fourth respondent from interfering with renovation work of Sri Muthuvinayagar Temple. By the judgment and decree, dated 31.03.2015 the suit filed by the respondents 1 to 3 was decreed after contest. Against the said judgment and decree, dated 31.03.2015, the petitioner filed an appeal in A.S.No.19 of 2015. Along with appeal, the petitioners filed I.A.No.100 of 2015 for stay of further proceedings of judgment and decree, dated 31.03.2015 passed in O.S.No.72 of 2009. The respondents opposed the said application.

3.The learned Judge considering the fact that the petitioners have stated that the respondents have right to carry out the



renovation work in the Temple and petitioners have no objection for the respondents to do the renovation work, dismissed the application.

4. Against the order of dismissal, dated 23.12.2016 made in I.A.No.100 of 2015, the petitioner has come out with the present Civil Revision Petition.

5. I have heard the learned counsel appearing for the petitioners and also perused all the materials available on record.

6. The grievance of the petitioners is that due to decree of injunction granted by the trial Court in O.S.No.72 of 2009 the respondents will exclude other community people in participating the renovation work. From the records, it is seen that the respondents 1 to 3 filed suit for injunction on the ground that the petitioners are creating problem in carrying out renovation work. The said suit was decreed. In the circumstances, the petitioners have not made out any case for stay of judgment and decree, dated 31.03.2015 passed in O.S.No.72 of 2009. The learned Judge considering all these facts has rightly dismissed the application for stay and there is no illegality or irregularity warranting interference by this Court.

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

8. The appeal suit is of the year, 2015. The learned Sub Judge, Ramanathapuram is directed to dispose the A.S.No.19 of 2015 as expeditiously as possible, in any event, not later than, 30th July, 2017.

SD/-

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Sub Judge,
Ramanathapuram.

+1cc to Mr.S.KAMESWARAN, ADVOCATAE, SR NO.9481

am

MAS/RSK-SKN:07.03.2017:2P/3C

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