



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2017

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD) No.2177 of 2016 (NPD)

and

CMP (MD) .Nos.2171 of 2017 and 10128 of 2016

V.Nagaraj

.. Petitioner/Respondent/Petitioner

Vs.

K.Seeniappan

.. Respondent/Appellant/Respondent

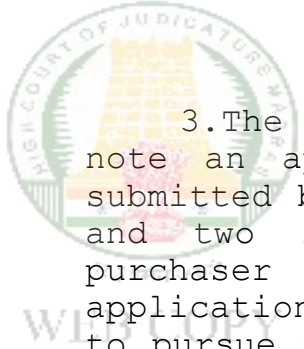
Prayer: This Civil Revision Petition is filed under Section 115 of Civil Procedure code, to call for records from learned Subordinate Judge, Virudhunagar, in C.M.A.No.2 of 2016 dated 20.08.2016 against I.A.No.386 of 2015 in O.S.No.134 of 2015, dated 14.09.2015 on the file of the District Munsif Court, Virudhunagar and hear the parties and allow the revision petition with costs.

For Petitioner	: Mr.V.Srinivasan
For Respondent	: Mr.A.P.Muthu Pandian

O R D E R

This Civil Revision Petition is filed to call for records from the Subordinate Court, Virudhunagar, in C.M.A.No.2 of 2016, dated 20.08.2016 against I.A.No.386 of 2015 in O.S.No.134 of 2015, dated 14.09.2015 on the file of the District Munsif Court, Virudhunagar and allow this petition with costs.

2. The respondent is the plaintiff in the suit for declaration and injunction. Admittedly the petitioner is the purchaser of the suit property which was the subject matter of O.S.No.4 of 2004. The petitioner has purchased the property from Kani Muthammal and her legal representatives. The petitioner is the defendant in the suit in O.S.No.4 of 2004. Since the plaintiff in that suit Seeniappan has disturbed the possession of the defendant, the present suit has been filed. Pending suit the trial Court has granted an interim injunction, which was appealed before the first appellate Court and was allowed in favour of the respondent/defendant. Aggrieved by that order the petitioner has moved this Court under Section 115 of CPC., and after hearing both sides interim order has been passed in CRP. (MD) .No.2177 of 2016.



3. The learned counsel for the respondent/defendant has taken note an application to vacate the injunction order. It is now submitted by the learned counsels that the suit is ripe for trial and two interlocutory applications to implead the subsequent purchaser and the revenue officials are pending. These two applications have been taken out by the plaintiff. It is up to him to pursue that application or not; any how, since the present suit is kept pending without any progress due to the pendency of the revision petition, which is unwarranted, this Civil Revision Petition and vacate stay petition in M.P.(MD).No.2171 of 2017 are **disposed of** with the following direction.

"The Trial Court shall take up the trial and dispose of O.S.No.345 of 2006 as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. Both the parties shall cooperate with the speedy disposal of the trial. Pending disposal of the suit, the **status quo** shall be maintained by both parties. Without prejudice to the findings of the Courts below as well as the findings given by this Court in this Civil Revision Petition. The Trial Court shall independently decide about the title and possession of the parties, based on the records submitted by them."

There shall be no orders as to costs. Consequently, connected M.P.(MD).No.10128 of 2016 is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif Court,
Virudhunagar.

2. The Subordinate Judge, Virudhunagar.

+2cc to M/s. A.P.MUTHU PANDIAN Advocate in SR. No.12774,12818

+1cc to M/s.V.SRINIVASAN Advocate in SR. No.12758

PJL

JS/SKN/RSK/06.03.2017/2P-6C

C.R.P (MD) No.2177 of 2016 (NPD)