

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(NPD)No.1417 of 2018 and
C.M.P.No.7595 of 2018

Pakkirisami ... Petitioner

Vs.

Murthy ... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.1659 of 2017 in O.S.No.119 of 2010 dated 19.03.2018 on the file of the District Munsif, Sirkali.

For Petitioner : Mr.A.Muthukumar
 For Respondent : Mr.S.S.Sounthar

ORDER

This civil revision petition has been filed against the order dated 19.03.2018 made in I.A.No.1659 of 2017 in O.S.No.119 of 2010 by the learned District Munsif, Sirkali.

2 The respondent herein filed a suit in O.S.No.119 of 2010 before the learned District Munsif, Sirkali, for bare injunction. Earlier the petitioner filed a suit in O.S.No.105 of 1997 which was dismissed and the suit in O.S.No.181 of 2000 filed by the petitioner's brothers came to be decreed exparte in favour of the petitioner's brothers.

Against which, the petitioner herein filed A.S.No.50 of 2011 which was also dismissed and the petitioner again preferred second appeal in S.A.No.802 of 2015 before this Court, which is pending. Hence the petitioner filed an interlocutory application in I.A.No.1659 of 2017 seeking to stall the proceedings till the disposal of the above S.A.No.802 of 2015 and also C.R.P.No.3063 of 2016 arising out of I.A.773 of 2012 in O.S.No.160 of 2009 involving the same suit property. The trial Court dismissed the application by an order dated 19.03.2018 on the ground of lack of materials.

3 Aggrieved against the above said order dated 19.03.2018, the defendant preferred this present revision petition.

4 The learned counsel for the revision petitioner contended that since in all the above suits, the suit property is one and the same, and in order to avoid conflict of decisions, the revision petitioner/defendant filed an application seeking to stall the proceedings in O.S.No.119 of 2010 till the disposal of the above second appeal and civil revision petition. The trial Court failed to appreciate the above fact and dismissed the application erroneously by an order dated 19.03.2018.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 On a perusal of the materials, it reveal that there are more than two suits pending, which are arising out of the same suit properties. The second appeal in S.A.No.802 of 2015 is arising out the suit for partition, whereas the present suit in O.S.No.119 of 2010 is for bare injunction. Further the revision petitioner/defendant had not produced any documents before the trial Court to prove that all the suits are arising out of the same properties. Hence the trial Court has rightly dismissed the application filed to stall the proceedings in S.A.No.802 of 2015, which was admittedly arising of the suit for partition.

7 Under these circumstances, this Court does not find any illegality or infirmity in the order dated 19.03.2018 passed in I.A.No.1659 of 2017. There is no valid ground to interfere with the above order.

8 In the result, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes/No

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To

District Munsif, Sirkali.

P.VELMURUGAN, J.,

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