

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRP.PD.No.1596 of 2018

and

CMP.Nos.8662 and 8663 of 2018

A.Ram Prasad

.. Petitioner

Vs

P.R.Seema

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Trial Court to dispose I.A.No.6161 of 2018 in O.S.No.2307 of 2018, on the file of the learned XIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Vijendran

ORDER

This Civil Revision Petition has been filed to direct the learned XIII Assistant Judge, City Civil Court, Chennai to dispose of the application in I.A.No.6161 of 2018 in O.S.No.2307 of 2018.

2. The plaintiff in O.S.No.2307 of 2018 on the file of the XIII Assistant Judge, City Civil Court, Chennai, is the revision petitioner herein.

3. According to the petitioner, the petitioner has filed the suit in O.S.No.2307 of 2018 seeking permanent injunction. In the aforesaid suit, the petitioner has filed an application in I.A.No.6161 of 2018 seeking interim injunction against the respondent till the disposal of the suit. On 25.04.2018, when the case was taken up for hearing, the learned Trial Judge without passing any order, simply ordered notice to the respondent returnable by 04.06.2018. Feeling aggrieved against the order of notice, the petitioner filed the present civil revision petition before this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the records, it is seen that the revision petitioner filed the suit in O.S.No.2307 of 2018 against the respondent. Notice was issued by the petitioner on 26.04.2018. He filed the suit against the respondent based on the rental agreement for a period of 11 months, even before the expiry of the agreement date, against the respondent/landlord restraining her from interfering with the property premises.

6. It is seen from the records that even prior to expiry of the rent period i.e. from 25.08.2014 to 24.07.2018 (11 months), since the respondent tried to interfere with his peaceful possession of the property, the petitioner filed the suit. After filing the suit, immediately, the respondent locked the premises. But there is no record to show that the premises were locked. Since the suit itself is filed only on 24.04.2018. Since vacation of the civil court falls within a week, hence notice to the respondent returnable by 04.06.2018. Hence, there is no reason to interfere with the order passed by the trial Court. However, the trial Court is directed to dispose of the interlocutory application as early as possible provided on or before 29.06.2018 in accordance with law, after giving opportunities to both the parties.

7. In view of the above, there is no merits in this revision petition filed by the petitioner. Hence, this civil revision petition is dismissed with above direction. No costs. Consequently, connected miscellaneous petitions are closed.

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28.04.2018

Index : yes/No
Internet : yes/No
kkd

P.VELMURUGAN,J.

kkd

To

The XIII Assistant Judge,
City Civil Court, Chennai.



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