

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4910 of 2014
& M.P.Nos.1 of 2014 & 1 of 2015

M/s.Prime Housing
Rep. By its Managing partner
Sumitha
No.16/10, Gopalakrishnan Street,
Maduvankarai, Guindy,
Chennai 600 032.

.. Petitioner

Vs.

Gopinathan @ Gopinath

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 20.11.2014 made in I.A.No.2758 of 2014 in O.S.No.6950 of 2012 on the file of the VI Assistant City Civil Court, Chennai.

For Petitioner : Mr.K.M.Ramesh
for Mr.J.Selvaraja

For Respondent : Mr.T.T.Ravichandran

ORDER

This Civil Revision petition is filed against the fair and decretal order dated 20.11.2014 made in I.A.No.2758 of 2014 in O.S.No.6950 of 2012 on the file of the VI Assistant City Civil Court, Chennai.

2.The petitioner is the defendant and respondent is the plaintiff in O.S.No.6950 of 2012 on the file of the VI Assistant City Civil Court, Chennai. The respondent filed the said suit against the petitioner for permanent injunction restraining the petitioner from disturbing his peaceful possession and enjoyment of the 'B' Schedule property. The petitioner filed written statement on 10.04.2013 and is contesting the suit.

3.The respondent filed I.A.No.2758 of 2014 under Section 151 of C.P.C to remove the locks put up by the petitioner on the flats G2, F2 and S1 of the suit property. According to the respondent, the petitioner handed over possession and respondent is in possession of the flats G2, F2 and S1 of the suit property. Pending suit, an interim injunction was granted in I.A.No.16884 of 2012. In spite of interim injunction, the petitioner had put up lock over the lock put up by the respondent with the help of police officials.

4.The petitioner filed counter affidavit and denied all the averments made by the respondent and denied handing over the possession to the respondent and put up the lock over the lock put up by the respondent. On the other hand, it is the respondent who

has put up the lock over the lock put up by the petitioner himself. The petitioner has further submitted that the possession was not handed over to the respondent.

5.The learned Judge, considering the averments in the affidavit, counter affidavit and paragraph 6 of the written statement filed by the petitioner, by the order dated 20.11.2014 allowed the application.

6.Against the order dated 20.11.2014 made in I.A.No.2758 of 2014 in O.S.No.6950 of 2012, the petitioner has come out with the present Civil Revision Petition.

7.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

8.The learned counsel for the petitioner contended that in paragraph 6 of the written statement, the petitioner has not stated that possession was handed over to the respondent. On the other hand, in the said paragraph, it is stated that possession was handed over to the third parties to whom the petitioner sold her share of the property as per the agreement. On the other hand, the learned

counsel for the respondent submitted that the petitioner handed over the possession of the suit properties to the respondent and respondent is in possession of the same. These rival contentions can be decided only after appreciating the evidence let in by the parties during trial.

9. In view of the above facts, the Civil Revision Petition is disposed of without deciding the same on merits. The suit is of the year 2012. The learned Judge is directed to dispose of the suit as expeditiously as possible in any event not later than three (3) months from the date of receipt of a copy of this order. Till such time, the status-quo as on today is to be maintained by the parties.

10. With the above direction, this Civil Revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index :: Yes/No
Internet :: Yes/No
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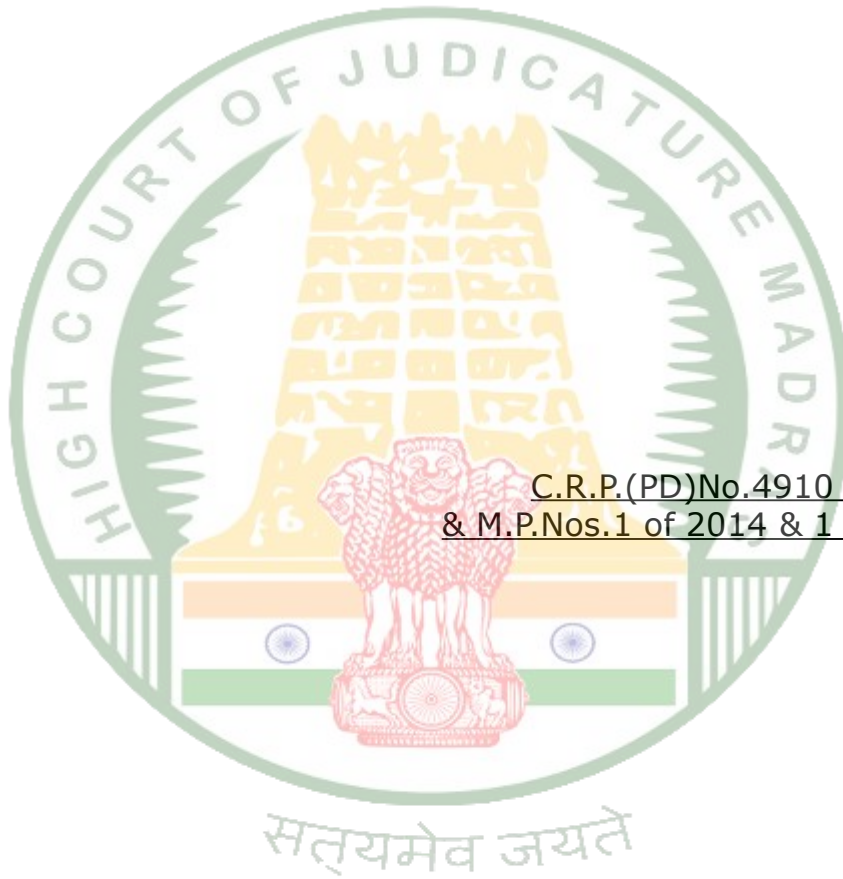
The Judge,
VI Assistant City Civil Court,
Chennai.



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V.M.VELUMANI,J.

gsa



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