

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.316 of 2018
and CMP.No.1690 of 2018

Muniappan

.. Petitioner

Vs

1.Kasthuri
2.Banupriya
3.Shanmugavel
4.Kalaimannan

.. Respondents

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India against the Judgment and Decree dated 02.11.2017 made in CMA.No.18 of 2015 passed by the learned Additional Subordinate Judge, Puducherry confirming the fair and decreetal order dated 13.06.2014 made in IA.No.3950 of 2012 in OS.No.1895 of 2012 on the file of the learned III Additional District Munsif, Puducherry.

For Petitioner

: Mr.Ilanthiraiyan
for M/s.R.Thiagarajan

ORDER

According to the revision petitioner, the respondents have filed a suit in OS.No.1895 of 2012 against the petitioner and one,

Kalaimannan before the III Additional District Munsif Court, Puducherry for declaration and permanent injunction. In the aforesaid suit, the respondents have also filed an application in IA.No.3950 of 2012 for interim injunction. The court below has allowed the application by granting interim injunction restraining the revision petitioner from executing any purported documents and changing particulars in revenue records. Challenging the aforesaid order, the revision petitioner has filed an appeal, which was dismissed. Against the said dismissal order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner is the lawful purchaser, therefore, he has every right to deal with the property, but no prima facie material to show that the respondents are entitled to get the interim injunction. Hence, the order of the Appellate court is liable to be set aside.

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3. Considering the facts and circumstances of the case, at this stage, this Court cannot decide the rights of the parties. The order passed by the court below cannot be interfered by this Court

under Article 227 of the Constitution of India except the order of the court below is perverse or contrary to the law. Further, the interim order passed by the Appellate court would not prejudice the rights of the revision petitioner, pending disposal of the suit.

4. The learned counsel for the revision petitioner request this Court to direct the court below to dispose of the suit, within the time as may be fixed by this Court. It is also brought to the notice of this Court that issues have already been framed in the aforesaid suit.

5. In the result, the Civil Revision Petition fails and the same stands dismissed, with a direction to the learned III Additional District Munsif, Puducherry to dispose of the above suit in OS.No.1895 of 2012 in accordance with law as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed.

No costs.

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31.01.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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D. KRISHNAKUMAR J.,

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To

1. The learned Additional Subordinate Judge,
Puducherry
2. The learned III Additional District Munsif,
Puducherry.



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