

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).Nos.866 & 867 of 2018
and CMP.Nos.4745 & 4746 of 2018

Sivaraj

... Petitioner
in both CRP's

Vs

1.M/s.Lakshmi Machine Works Ltd.,
Rep.by its Chairman & Company Director,
No.34-A, Kamaraj Road,
Coimbatore-641 018

2.The Company Secretary,
M/s.Lakshmi Machine Works Ltd.,
No.34-A, Kamaraj Road,
Coimbatore-641 018

3. The Public Relation Officer,
M/s.Lakshmi Machine Works Ltd.,
No.34-A, Kamaraj Road,
Coimbatore-614 018.

.. Respondents
in CRP.No.866 of 2018

M/s.Lakshmi Machine Works Ltd.,
Rep.by its Company Secretary,
Mr.C.R.Sivakumaran,
No.34-A, Kamaraj Road,
Coimbatore-641 018

.. Respondent
in CRP.No.867 of 2018

COMMON PRAYER

Civil Revision Petitions filed under Article 227 of the

Constitution of India against the fair and final order passed in IA.No.2066 of 2017 in OS.No.312 of 2017 and IA.No.2067 of 2017 in OS.No.320 of 2017 on the file of the District Munsif Court, Udumalpet, dated 08.01.2018 and to set aside the same.

For Petitioner : Mr.S.Gunalan
in both CRP's

For Respondents : Mr.R.Bharathkumar
in both CRP's

COMMON ORDER

By consent of both parties, the Civil Revision Petitions are taken up for final disposal at the admissions stage itself.

2. According to the revision petitioner, the revision petitioner is a tenant under the respondent herein. The revision petitioner is in possession and enjoyment of the suit property from the year 2004 and till date as a tenant paid the rent to the respondent. The revision petitioner filed a suit in OS.No.312 of 2017 before the District Munsif Court, Udumalpet seeking injunction against the respondent and also filed an application before the tenancy court in TR.No.4 of 2017. The first respondent also filed a suit in OS.No.320 of 2017 before the District Munsif Court, Udumalpet for permanent injunction. According to

the revision petitioner, the present applications have been filed to stay proceedings in both suits under Section 10 of the Civil Procedure Code in OS.No.312 of 2017 and OS.No.320 of 2017. According to the revision petitioner, the revision petitioner has filed an application under Tamil Nadu Record of Tenancy Rights Act, 1969 to record as a tenant under the respondent. Thereafter, the present applications have been filed to stay the proceedings of the both suits pending TR.No.4 of 2017 on the file of the Revenue court.

3. The learned counsel for the respondents would submit that the present suits filed by both the parties seeking for bare injunction. Therefore, the application filed before the Revenue court would not stall the proceedings in the Civil Court. Hence, the Civil Revision Petitions are liable to be dismissed.

4. By considering the facts and circumstances of the case and the rival submissions of the parties concerned, the present applications have been filed by the revision petitioner under Section 10 of the Civil Procedure Code to stay the proceedings of the suit filed by the revision petitioner as well as the respondent before the District Munsif Court,

Udumalpet. Admittedly, the application is pending before the Revenue court.

5. The learned counsel for the respondent would submit that the revision petitioner is not cooperating for the disposal of the application pending before the Revenue court, and obtained adjournment with an intention to drag on the proceedings. Further it is contended that the both suits have been filed for bare injunction. Therefore, pendency of the application before the Revenue court would not stall the proceedings of both the suits.

6. At this stage, the revision petitioner would submit that an appropriate order may be issued to cooperate for disposal of the application pending before the Revenue court.

7. To that extent, the learned counsel for the respondent also agree that appropriate order may be passed to Revenue court to dispose of the said TR.No.4 of 2017 within the time as may be fixed by this Court in order to resolve the issues. Further, the learned counsel for the respondent would submit that the other proceedings shall not be

stalled till the trial is commenced.

8. In view of the above said facts and circumstances of the case, this Court is inclined to pass the following orders.

(i) Both the parties shall cooperate for the disposal of the TR.No.4 of 2017 pending before the Revenue court. Further, the Revenue court is directed to dispose of the Tr.No.4 of 2017 within period of eight weeks from the date of receipt of a copy of this Order.

(ii) Till disposal of the aforesaid TR.No.4 of 2017, both the suits in OS.No.312 of 2017 and OS.No.320 of 2017 may proceed till the trial stage. After the disposal of the TR.No.4 of 2017, the trial court may proceed with the trial in the suit. Therefore, orders passed in IA.No.2066 of 2017 and IA.No.2067 of 2017 are set aside and modified to the aforesaid extent.

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9. The Civil Revision Petitions are partly allowed to the aforesaid extent. Consequently, the connected miscellaneous petitioners are closed. No costs. The Registry is directed to mark a copy

of this Order to the Tahsildar cum Record Officer, Revenue Court,
Udumalpet.

14.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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Note: Issue order copy on 19.03.2018



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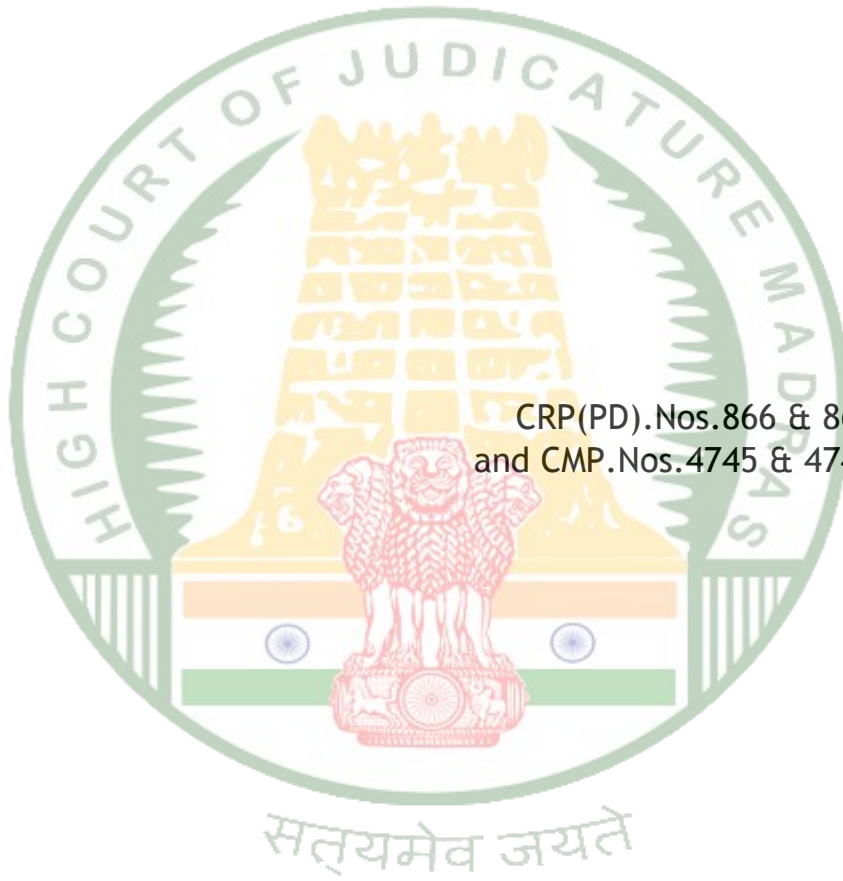
To

1. The District Munsif Court, Udumalpet
2. The Tahsildar cum Record Officer,
Revenue Court, Udumalpet.



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D. KRISHNAKUMAR J.,



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