



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD) (MD) .No.1887 of 2015
and
M.P(MD) .Nos.1 and 2 of 2015

Mangalanayagi Kannagi Kovil Trust
Through its Managing Trustee
R.Kandavel

...Petitioner/Plaintiff/Appellant
/Petitioner

Vs.

Mangaladevi Kannagi Trust
Through its Secretary
Rajaganesan

.. Respondent/Defendant/Respondent
/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and executable order dated 20.08.2014 passed in the Civil Miscellaneous Appeal in C.M.A.No.1 of 2013 on the file of the Subordinate Court, Uthamapalayam confirming the fair and executable order dated 19.04.2012 passed in I.A.No.209 of 2012 in O.S.No.77 of 2012 on the file of the District Munsif, Uthamapalayam.

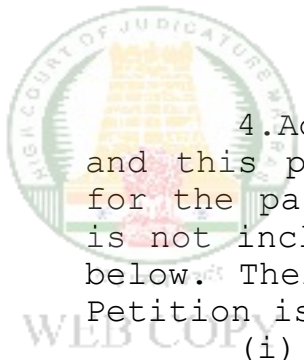
For Petitioner : Mr.T.R.Jeyapalam

O R D E R

This Civil Revision Petition has been filed against the order passed in the Civil Miscellaneous Appeal in C.M.A.No.1 of 2013 on the file of the Subordinate Court, Uthamapalayam, dated 20.08.2014 by confirming the fair and executable order dated 19.04.2012 passed in I.A.No.209 of 2012 in O.S.No.77 of 2012 on the file of the District Munsif, Uthamapalayam.

2.The petitioner, who is the plaintiff has filed O.S.No.77 of 2012 for permanent injunction and pending the same, an application in I.A.No.209 of 2012 was filed for temporary injunction and the same was dismissed by the trial Court, against which an appeal filed before the Sub Court, Uthamapalayam was also dismissed. Challenging both the orders, the petitioner is before this Court.

3.Heard the learned counsel appearing for the petitioner and perused the documents available on record. There is no representation for the respondent.



4. Admittedly no injunction was granted by the Courts below and this petition has been kept pending without any interim order for the past 2-1/2 year. At this distant point of time, this Court is not inclined to decide the righteousness of the orders of Courts below. Therefore, in the interest of justice, this Civil Revision Petition is disposed of with the following orders:

(i) The order passed by the learned Subordinate Judge, Uthamapalayam in C.M.A.No.1 of 2013, dated 20.08.2013, confirming the order in I.A.No.209 of 2012 in O.S.No.77 of 2012 on the file of the learned District Munsif, Uthamapalayam, is hereby upheld.

(ii) The learned District Munsif, Uthamapalayam is directed to dispose of the suit in O.S.No.77 of 2012, within a period of three months from the date of receipt of a copy of this order without influencing any observation made both in I.A.No.209 of 2012 in O.S.No.77 of 2012 and C.M.A.No.1 of 2013 on the file of the learned Subordinate Judge, Uthamapalayam without giving any unnecessary adjournment to either parties. Both the parties are directed to give their fullest co-operation for disposal of the suit within the time stipulated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Uthamapalayam
2. The District Munsif, Uthamapalayam

Copy to:

The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

+1CC to Mr.T.R.Jeyapalam, Advocate, SR.No. 61504

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AM/SV MMS/SAR 2/25.05.2018/2P/6C