



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (NPD) (MD) No.2621 of 2017
and
CMP (MD) No.12075 of 2017

1.Jarina Begam
2.Shajakhan @ Syed Sahabudin ... Petitioners/Appellants/
Respondents/Defendants

-Vs-

M.Bashira ...Respondent/Respondent/Petitioner
/Plaintiff

Prayer:- Civil Revision Petition Filed under section 115 of Civil Procedure Code, to set aside the judgment and decree made in C.M.A.No.1 of 2015 dated 21.07.2015 on the file of Principal Sub Court, Thanjavur confirming the order and decreetal order made in I.A.No.477 of 2013 in O.S.No.208 of 2013 dated 09.09.2014 on the file of the District Munsif Court, Thanjavur.

For Petitioners : Mr.R.Murali
For Respondent : Mr.G.Karnan

ORDER

This Civil Revision Petition has been filed to set aside the judgment and decree made in C.M.A.No.1 of 2015, dated 21.07.2015 on the file of Principal Sub Court, Thanjavur, confirming the order passed by the District Munsif Court, Thanjavur, in I.A.No.477 of 2013 in O.S.No.208 of 2013, dated 09.09.2014.

2. The petitioners herein are the defendants in the suit instituted by the respondent, wherein, the trial Court, on 09.09.2014, had passed an order of interim injunction, in I.A.No.477 of 2013 in O.S.No.208 of 2013, restraining the petitioners herein / defendants from constructing the wall, adjacent to the respondent's / plaintiff's house. Aggrieved over the same, the petitioners have preferred C.M.A.No.1 of 2015, before the Principal Sub Court, Thanjavur, where, the order of the lower Court granting interim injunction, got confirmed by judgment dated 21.07.2015. Aggrieved thereby, the present revision came to be filed.

3. When the matter is taken up for hearing today, the learned Counsel for the petitioners would submit that the petitioners are not inclined to press the prayer, sought for in the present



petition, but, instead, seeks a direction for early disposal of the suit proceedings, for which, the learned Counsel on the other side has no serious objections.

4. Heard the learned Counsel appearing on both sides and perused the documents placed on record.

5. Under such circumstances and also taking into account the fact that the suit itself is of the year 2013, this Court, while declining to interfere with the impugned order, without expressing any opinion on the merits of the case, directs the learned District Munsif, Thanjavur, to dispose of the suit proceedings in O.S.No.208 of 2013, in the manner known to law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
Thanjavur.

2. The District Munsif,
Thanjavur.

+ 1 CC TO Mr.G.KARNAN, ADVOCATE IN SR No. 40027
+ 1 CC TO Mr.M.SURESH KUMAR, ADVOCATE IN SR No. 40062

GK
TE/JC/SAR-2 : 17/01/2018 : 2P/5C

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