



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**C.R.P. (PD) (MD) No.1434 of 2018**

Muniyammal

.. Petitioner

Vs.

1. Nirmala
2. T. Selvaraj
3. M. Veeramalai
4. V. Balasubramanian
5. V. Sankar
6. M. Natchimuthu
7. R. Masilamani
8. R. Arunachalam
9. R. Balakrishnan
10. P. Jothiganesh

.. Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Sub-Judge, Karur to dispose the I.A.No.1155 of 2017 in O.S.No.9 of 2017, within the time stipulated by this Court.

For Petitioner : Mr.R. Sundar

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal Sub-Judge, Karur to dispose the I.A.No.1155 of 2017 in O.S.No.9 of 2017, within the time stipulated by this Court.

2. The revision petitioner is the plaintiff and the respondents are the defendants in the suit in O.S.No.9 of 2017. The revision petitioner/plaintiff has filed a suit in O.S.No.9 of 2017 before the learned Principal Sub-Judge, Karur as against the respondents/defendants for partition and divide the suit properties into six equal shares as well as declaration sale deeds dated 04.05.1959, 19.08.1992, 01.12.1997 and 27.12.2006 are null and void and consequential injunction. During the pendency of the suit in O.S.No.9 of 2017, the respondents/defendants have put up the illegal construction in the suit property and they have also



attempted to alter its physical features. Hence the revision petitioner/plaintiff has filed a interlocutory application in I.A.No.1155 of 2017 in O.S.No.9 of 2017 under Order 39 Rules 1 & 2 and Section 151 of the Civil Procedure Code for injunction restraining the 10th respondent/10th defendant from putting up any illegal construction in the suit property till the disposal of the suit in O.S.No.9 of 2017. He would further submit that the interlocutory application in I.A.No.1155 of 2017 has been simply adjourned for a long time without any progress and that a direction may be given by this Court for an early disposal, in the interest of justice.

3. Heard the learned Counsel for the petitioner and perused the materials available on record.

4. A perusal of the 'B' Diary extract would fortify the contentions made by the learned counsel for the petitioner.

5. The case has been adjourned on several occasions without any valid reason.

6. Therefore, this Court, without going into the merits of the allegation raised by the revision petitioner, is inclined to direct the Court below to dispose of the interlocutory application in I.A.No.1155 of 2017 in O.S.No.9 of 2017, within the stipulated period.

7. In view of the above, the learned learned Principal Sub-Judge, Karur is directed to dispose of the I.A.No.1155 of 2017 in O.S.No.9 of 2017, on merits and in accordance with law, within the period of two months, from the date of receipt of a copy of this order, after issuing notice to both the parties.

8. The Civil Revision Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge, Karur.

+ 1 cc TO Mr.R.Sundar , Advocate in SR No. 72735

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AE/RP/SAR3/31.07.2018/2P/3C

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