



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.786 and 787 of 2016

and

C.M.P. (MD) Nos.3920 and 3921 of 2016

1.M.Muthu Iyer

2.M.Harihara Mahadevan

3.M.Ramasubramanian

4.M.Chidambaram

...Petitioners /Respondents /
Defendants 1 to 4
(in both petitions)

/Vs./

Kumar Iyer

... Respondent /Petitioner /
Plaintiff in C.R.P.(MD)No.786 of 2016

Raja Iyer

... Respondent/ Petitioner /
Plaintiff in C.R.P.(MD)No.787 of 2016

Prayer in C.R.P.(MD)No.786 of 2016: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the docket order dated 10.01.2014 passed in I.A.No.52 of 2014 in O.S.No.23 of 2014 on the file of the Sub-Court, Tuticorin and direct the Sub-Court, Tuticorin to dispose the I.A.No.52 of 2014 in O.S.No.23 of 2014 in accordance with law within a time stipulated by this Court.

Prayer in C.R.P.(MD)No.787 of 2016: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the docket order dated 04.09.2015 passed in I.A.No.82 of 2014 in O.S.No.33 of 2014 on the file of the Sub-Court, Tuticorin, by allowing the civil revision petition.

For Petitioners : Mr.V.Meenakshisundaram
For Respondents : Mr.R.T.Arivukumar
(in both petitions)

COMMON ORDER



2. When the matter was taken up for hearing, it is submitted that the suits in question have been renumbered as O.S.Nos.213 and 215 of 2017 and are presently pending before the Sub Court, Trichendur. It is also seen that the revision petitioners have filed a suit in O.S.No.123 of 2017, which is also pending before the Sub Court, Trichendur. An application has been taken out for simultaneous trial of these suits and the same has also been allowed. Therefore, taking note of the fact that the orders impugned in the civil revision petitions were granted some time back, without going into the merits of the case, a direction is given to the Sub Judge, Trichendur, to dispose of these three suits within a period of six months from the date of receipt of a copy of this order.

3. It is needless to mention that the disposal of the main suits depends on the evidence available before the Court below and it shall not be influenced by the fact that this Court did not deem it fit to interfere with the orders impugned in the civil revision petitions. Accordingly, the civil revision petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1.The Subordinate Judge, Trichendur.
- 2.The Subordinate Judge, Tuticorin.
- 3.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 81419

SM
TE/RSK/SAR-1 : 25/09/2018 : 2P/6C

Common Order made in
C.R.P. (MD) (PD) No.786 and 787 of 2016
30.08.2018