



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2136 of 2018

and

C.M.P. (MD) .No.9456 of 2018

V.Jagadeesan

... Revision Petitioner/
3rd Respondent/3rd Defendant

Vs

1.N.Kandasamy ... Respondent No.1/Petitioner/Plaintiff

2.The State of Tamil Nadu
represented by District Collector,
Dindigul District,
Dindigul.

3.The Tahsildar,
Ottanchattiram Taluk,
Ottanchattiram,
Dindigul District. ... Respondent 2 & 3/Respondents 1 & 2/
Respondents 1 & 2

4.Nachiappa Gounder

5.Alagina Gounder ... Respondents 4 & 5/Respondents 4 & 5/
Respondent 4 & 5

PRAYER : Petition filed under Article 227 of the Constitution of India to call for the records in E.P.No.8 of 2018 in O.S.No.376 of 2007 on the file of the District Munsif Court, Ottanchattiram and strike off the same as it is abuse of process of law.

For Petitioner : Mr.K.Balasubramani

For R1 : Mr.T.Lajapathi Roy

R2 to R5 : Dispencc With.

ORDER

O.S.No.376 of 2007 on the file of the District Munsif Court, Oddanchathiram was filed against the revision petitioner and four others. The suit was partly decreed on 10.08.2011. The said decree was affirmed in A.S.No.49 of 2017 on 12.03.2018.



Questioning the said decree S.A.(MD)194 of 2018 has been filed by the revision petitioner. An interim order has been granted by this Court on 20.06.2018. In the meanwhile, E.P.No.8 of 2018 has been filed. To strike off the E.P., this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the contesting respondent would submit that he has taken out an application for vacating the interim order granted in the Second Appeal. So long as the interim order is in operation, the question of prosecuting the E.P., will not arise. At the same time, this Court cannot strike off the E.P., also.

4.Hence, to balance the interests of both the parties, this Court directs the learned District Munsif, Oddanchathiram, to keep E.P.No.8 of 2018 in O.S.No.376 of 2007 on hold and in abeyance so long as the interim order is in operation in favour of the revision petitioner in S.A.(MD)No.194 of 2018.

5.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Oddanchathiram.

+1 CC To MR.K.BALASUBRAMANI, Advocate SR. NO. 90350
+1 CC To MR.T.LAJAPATHI ROY, Advocate SR. NO. 90025

ORDER MADE IN
C.R.P. (PD) (MD) .No.2136 of 2018
and
C.M.P. (MD) .No.9456 of 2018
10.10.2018

PNN

TR/SKN/SAR-III(13.11.2018)2P 4C

<https://hccs.csbj.in/portal/CaseDetails>