

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.148 of 2016

and

CMP.No.720 of 2016

G.Chellaperumal .. Petitioner/Respondent/Plaintiff

Vs

G.Gopalakrishnan .. Respondent/Petitioner/Defendant
Civil Revision Petition filed under Article 227 of the Indian Constitution against the fair and decreetal order in I.A.No.634 of 2015 in O.S.No.162 of 2015, on the file of District Munsif, Tambaram, dated 30.09.2015.

For Petitioner : Mrs.V.Srimathi
For Respondent : Mr.V.Chandrakanthan
for sole respondent

ORDER

The above application is filed challenging the order for dismissal of I.A.No.634 of 2015 in O.S.No.162 of 2015, filed by the revision petitioner against the defendant in the suit seeking stay of the suit O.S.No.162 of 2015, pending on the file of the District Munsif, Tambaram, till the disposal of A.S.No.381 of 2014 pending before this Court.

2

The subject matter of the suit in O.S.No.162 of 2015, is described as the item-D in the "C" Schedule to the suit

O.S.No.372 of 2004. The suit in O.S.No.372 of 2004 has been filed by the respondent herein against the revision petitioner and others praying for partition of and separate possession of the schedule of properties listed therein. In the said suit, the plaintiff has contended that the property, which is the subject matter of the suit O.S.No.162 of 2015, has been allotted to him and a similar contention has also been raised in the suit in O.S.No.372 of 2004. Considering the fact that the result in the partition suit will have a direct impact on the suit O.S.No.162 of 2015 on the file of the District Munsif, Tambaram, and applying the provisions of Section 10 of CPC, the learned trial Judge ought to have been stayed the further proceedings in suit O.S.No.162 of 2015, till the disposal of A.S.No.381 of 2014. It is needless to state that if the possession of the plaintiff/the revision petitioner herein is interfered with, it is well open to him to move necessary application in A.S.No.301 of 2014. The learned judge has rightly allowed the said application. No exception can be taken to the said order.

3

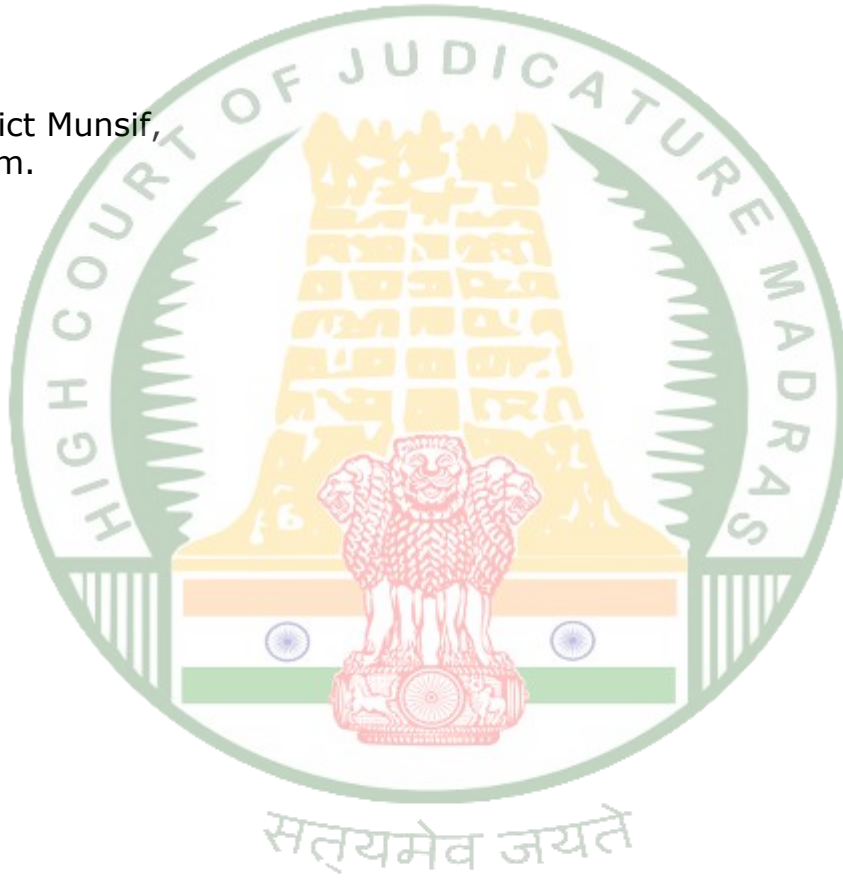
In the result, this Civil Revision Petition Stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

WEB COPY

Index:Yes/No
Internet:Yes/No
Speaking/Non-Speaking

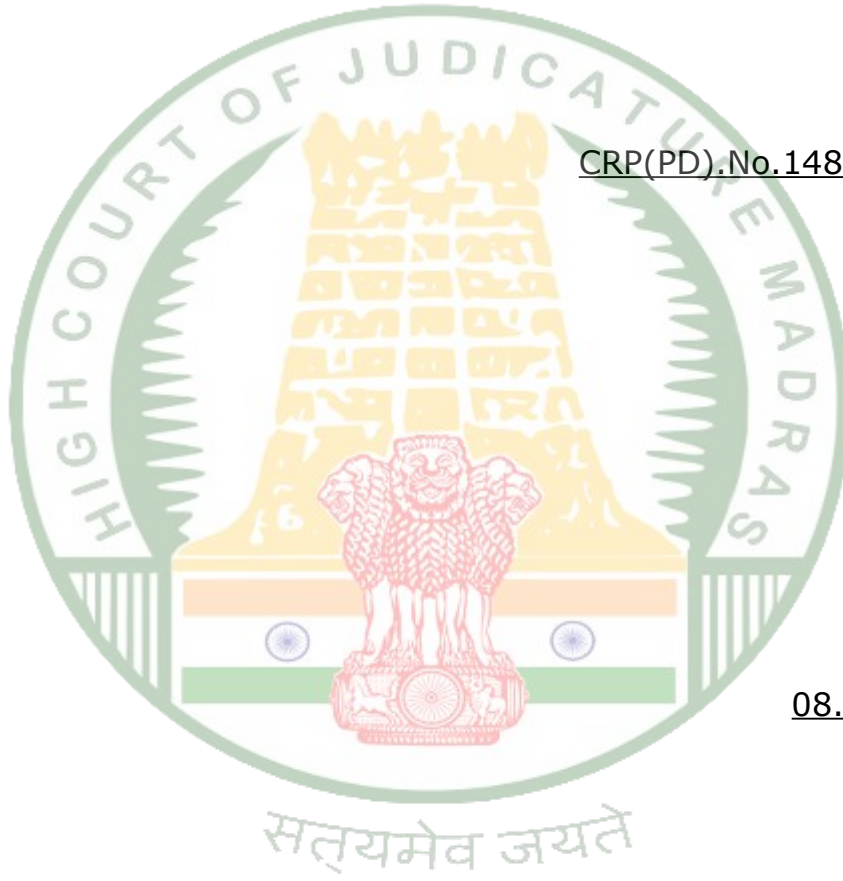
To

The District Munsif,
Tambaram.



WEB COPY

P.T.ASHA.J,
dua



CRP(PD).No.148 of 2016

08.02.2019

WEB COPY