

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD) No.1653 of 2014
and
M.P. No.1 of 2014

Janakiraman

... Petitioner

Vs

1.Kothandaraman
2.Sivalingam

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the Judgment and Decree made in C.M.A.No.10 of 2004 dated 28.10.2005 on the file of the Additional Subordinate Judge, Chengalpet.

For Petitioner

: Mr.R.Bharathkumar

For Respondent 1

: No appearance

For Respondent 2

: Exparte vide Batta

ORDER

The instant civil revision petition has been filed challenging the order dated 28.10.2005 passed in C.M.A.No.10 of 2004 by the learned Additional Subordinate Judge, Chengalpet.

Brief facts leading to the filing of the instant revision:

2. The petitioner is the plaintiff in the suit O.S.No.120 of 2003 on the file of the learned District Munsif, Chengalpet. He filed the said suit for declaration and injunction against the respondents to declare the petitioner's/plaintiff's title to the share in the suit schedule property and also for consequential relief of injunction restraining the respondents from alienating the suit schedule property against the interest of the petitioner. During the pendency of the suit, the petitioner filed I.A.No.747 of 2000 for injunction restraining the first respondent from alienating the suit schedule property to the second respondent or any other parties till the disposal of the suit. The respondents entered appearance and filed their counter in I.A.No.747 of 2003. By order dated 27.01.2004, the Trial Court allowed the injunction application I.A.No.747 of 2003 filed by the petitioner. As against the said order, the first respondent preferred an appeal before the Additional Subordinate Judge,

Chengalpet in C.M.A.No.10 of 2004. The Lower Appellate Court reversed the order passed by the Trial Court in I.A.No.747 of 2003 and allowed the appeal filed by the first respondent as against the petitioner and the second respondent. As against the said order, the instant revision has been filed.

3. Heard Mr.R.Bharathkumar, learned counsel for the petitioner. Despite service of notice on the first respondent, there is no representation on his side. The second respondent was set ex parte through batta.

Discussion:

4. Even according to the petitioner, the suit schedule property is a joint family property and the respondents have got a share in the suit schedule property. But, it is the case of the respondents that it is their exclusive property. The Trial Court had allowed the injunction application I.A.No.747 of 2003 in favour of the petitioner restraining the respondents/defendants from alienating the suit schedule property. But, the same was reversed by the Lower Appellate Court in C.M.A.No.10 of

2004.

5. Admittedly, both the petitioner as well as the respondents are blood relations. Further, the order which is the subject matter of challenge is only an order passed in an interlocutory application. Furthermore, the suit is of the year 2003.

6. This being the case, in the interest of both the parties to the dispute, it is better at this stage, that the suit may be adjudicated expeditiously in stead of adjudicating their rights in the interlocutory application. In the considered view of this Court, in the interest of both the parties to the dispute and also considering the fact that the suit is of the year 2003, a direction may be given to the Trial Court to dispose of the suit within a time frame.

Conclusion:

7. In the result, the learned District Munsif, Chengalpet is directed to dispose of the suit O.S.No.120 of 2003 within a period of six months from the date of receipt of a copy of this Order.

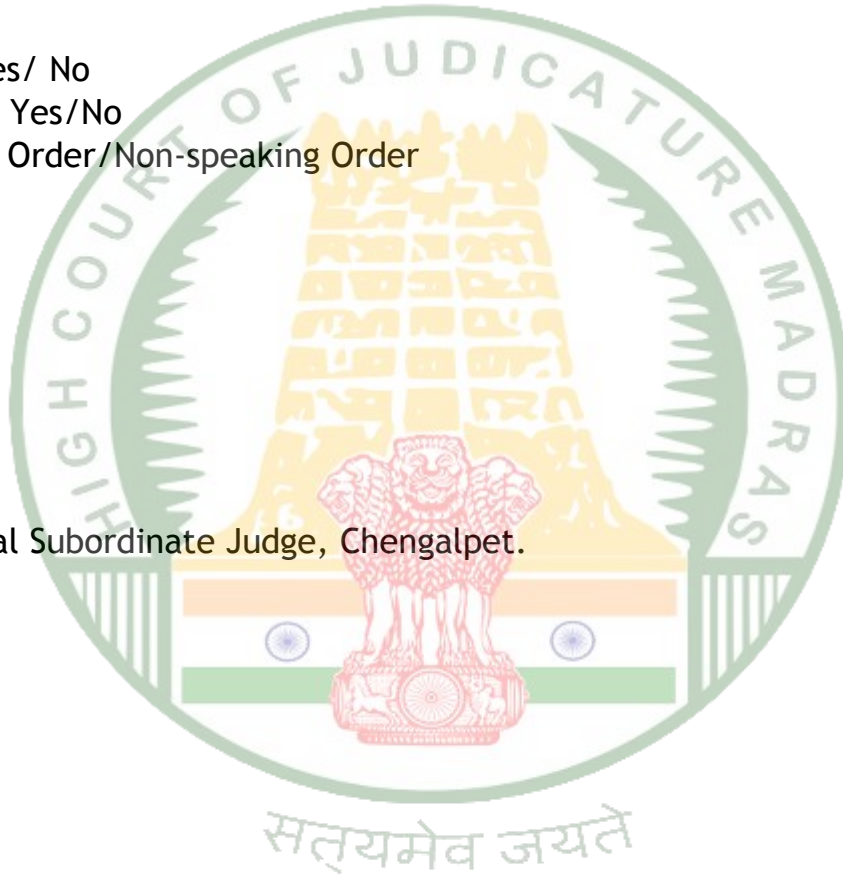
8. With the aforesaid direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.06.2019

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

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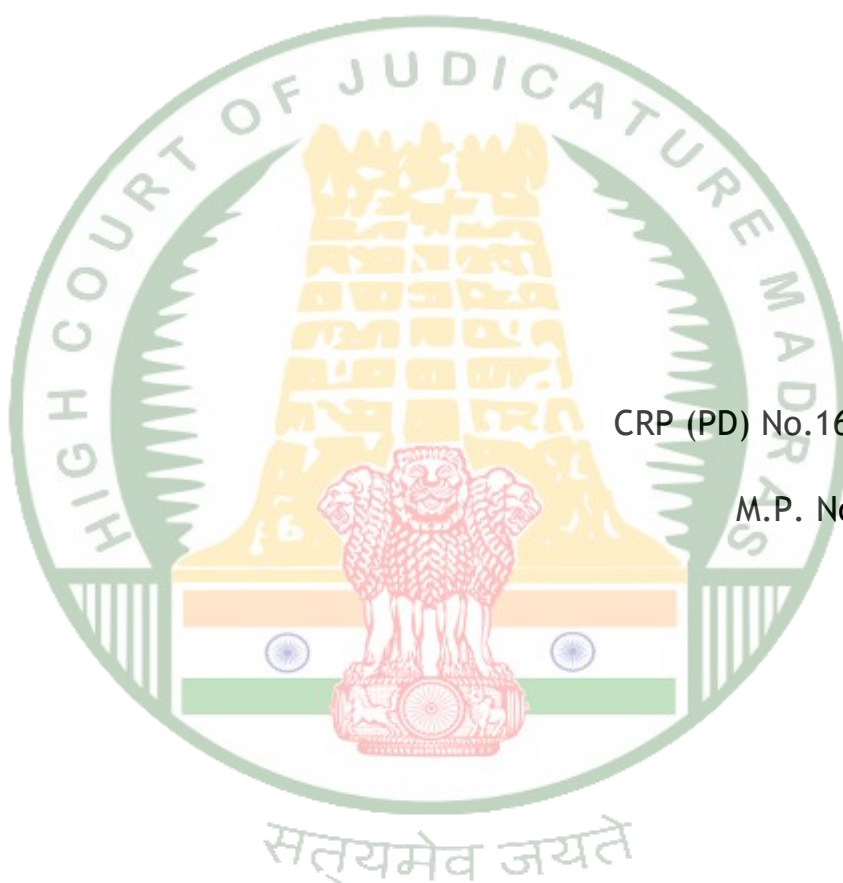
To
Additional Subordinate Judge, Chengalpet.



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ABDUL QUDDHOSE, J.

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