

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD)No.2755 of 2014

and

M.P. No.1 of 2014

K. Rangasamy

...

Petitioner

Vs

1. S. Sampooram
2. A. Padmavathy
3. P. Kannammal
4. N. Kalyanasamy
5. K. Thangavel
6. R. Chinnasamy
7. K. Muthukannan
8. P. Kumarasamy Gounder
9. K. Veluchamy Gounder
10. K. Aruchamy
11. K. Ramasamy

...

Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, against the Judgment and decree dated 12.09.2013 made in C.M.A. No.6 of 2011 on the file of Subordinate Judge's Court, Udumalpet reversing the Fair and Decreetal order dated 14.03.2011 made in I.A. No.429 of 2010 in O.S. No.139 of 2010 on the file of District Munsif Court, Udumalpet.

For Petitioners

: Mr.S.Mukunth

For Respondents

: Mr.R. Nalliyappan for RR1 & 2

No appearance for RR3 to 11

ORDER

The instant Civil Revision Petition has been filed under Article 227 of Constitution of India, challenging the order dated 12.09.2013 in CMA No.6 of 2011 by the learned Subordinate Judge, Udumalpet, reversing the order dated 14.03.2011 passed in IA. No.429 of 2010 in O.S. No.139 of 2010 by the District Munsif Court, Udumalpet.

Brief facts leading to the filing of the instant Civil Revision Petition are as follows :-

2. The petitioner is the first defendant in the suit. The respondents 1 and 2 filed a suit for declaration and injunction against the petitioner in O.S. No.139 of 2010 before the District Munsif Court, Udumalpet. During the pendency of the suit, I.A. No.429 of 2010 in O.S No.139 of 2010 was filed by respondents 1 and 2 seeking for an injunction restraining the petitioner from using the common path way. By order dated 14.03.2011 in I.A. No.429 of 2010 in O.S. No.139 of 2010, the learned District Munsif, Udumalpet dismissed the application filed by the respondents 1 and 2. Aggrieved by the same, the respondents 1 and 2 preferred an appeal before the learned

Subordinate Judge, Udumalpet in CMA No.6 of 2011 as against the order passed in I.A. No.429 of 2010. The lower Appellate Court by its order dated 12.09.2013 reversed the order of the Trial Court passed in I.A. No.429 of 2010 and allowed the appeal and injunction was granted in favour of the respondents 1 and 2, as prayed for in I.A. No.429 of 2010 before the Trial Court. Aggrieved by that order dated 12.09.2013 in C.M.A. No.6 of 2011, the petitioner, who is the first defendant in the suit has preferred this revision.

3. Heard Mr.S.Mukunth, learned counsel for the petitioner and Mr.R.Nalliyappan, learned counsel for the first and second respondents.

4. It is now submitted by the learned counsel for the petitioner that the suit O.S. No.139 of 2010 pending on the file of the District Munsif, Udumalpet, in which I.A. No.429 of 2010 was filed by the respondents 1 and 2 is in the trial stage and PW1 has already been cross examined by the petitioner. No useful purpose would be served, if this Civil Revision Petition is entertained at this stage, that too when the Civil Revision petition is of the year 2014. Instead, this Court is of

ABDUL QUDDHOSE, J.

vsi2

the considered view that a direction can be given to the Trial Court to dispose of the suit, within a time frame.

5. In the result, this Court directs, the District Munsif, Udumalpet to dispose of the suit O.S No.139 of 2010, within a period of 3 months from the date of receipt of a copy of this order.

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

20.06.2019

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
vsi2

To
The District Munsif Court,
Udumalpet.

CRP (PD)No.2755 of 2014