

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

C O R A M

THE HON'BLE Mr.JUSTICE ABDUL QUDDHOSE

C.R.P.(PD) No.2925 of 2014 &
M.P.No.1 of 2014

Balakrichnan

... Petitioner

Vs.

1.Sathiyamoorthy

2.Punniyamoorthi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 11.01.2013 made in C.M.A. No.1 of 2012 on the file of the Subordinate Judge, Perambalur, confirming the Fair and Decreetal order dated 16.11.2011 made in I.A.No.760 of 2011 in O.S.No.288 of 2011 on the file of the District Munsif Court, Perambalur.

For Petitioner

...

Mr.R.Balasubramanian

For Respondents

...

No appearance

ORDER

The instant civil revision petition has been filed challenging the order dated 11.01.2013 passed by the learned Subordinate Judge,

Perambalur in C.M.A.No.1 of 2012 modifying the fair and decreetal order 16.11.2011 passed by the learned District Munsif, Perambalur in I.A.No.760 of 2011 in O.S.No.288 of 2011.

Brief facts leading to the filing of the revision:

2. The petitioner is the plaintiff in the suit O.S.No.288 of 2011 on the file of the learned District Munsif at Perambalur. He filed a suit for declaration and injunction in respect of the suit property which comprises of three items. The Trial Court by its order dated 16.11.2011 dismissed I.A.No.760 of 2011 filed by the petitioner seeking for injunction pending disposal of the suit. Aggrieved by the said order dated 16.11.2011, the petitioner preferred an appeal before the learned Subordinate Judge, Perambalur in C.M.A.No.1 of 2012. By order dated 11.01.2013, the Lower Appellate Court modified the order dated 16.11.2011 passed in I.A.No.760 of 2011 by the Trial Court, by granting the injunction in respect of two items of the properties mentioned in the suit schedule. Aggrieved by the disallowing of the relief in respect of third item of the suit property, the petitioner has preferred this civil revision petition under Article 227 of the Constitution of India.

3. Heard Mr.R.Balasubramanian learned counsel for the petitioner. There is no representation on the side of the respondent, even though the name of the counsel mentioned in the cause list today.

Discussion:

4. Admittedly, the petitioner has obtained injunction pending disposal of the suit in respect of two items of the property mentioned in the suit schedule property which comprises of three items. This being the case, aggrieved by non-granting of injunction in respect of third item, the petitioner has preferred this revision in the year 2014 and the suit is still kept pending because of the pendency of this revision.

5. This Court is of the considered view that no useful purpose will be served, if an order is passed on merits in this revision at this stage. In the interest of the petitioner as well as the respondents, it is better to direct the trial court to dispose of the suit within a time frame to be fixed by this Court.

Conclusion:

6. For the foregoing reasons, the Trial Court is directed to dispose of the suit O.S.No.288 of 2011 within a period of three months from the date of receipt of a copy of this Order uninfluenced by any observation made by the trial court in I.A.No.760 of 2011 or by the lower Appellate Court in C.M.A.No.1 of 2012. With the aforesaid direction, the civil revision petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No

Speaking/Non-Speaking orders

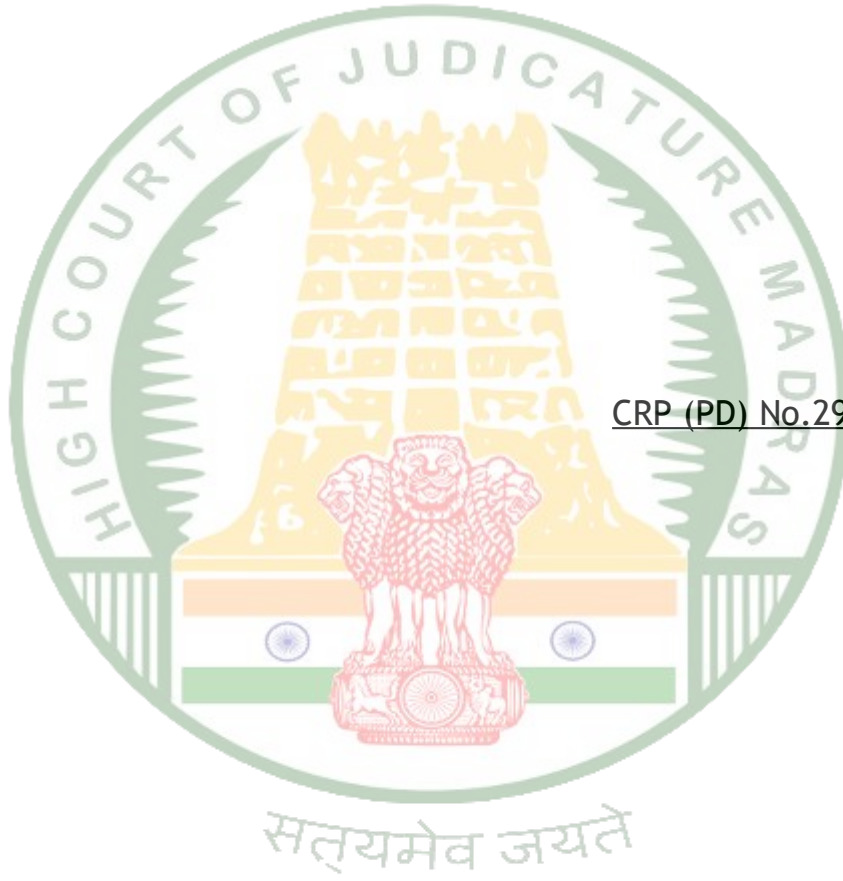
10.07.2019

To

1. The Subordinate Judge, Perambalur.
2. The District Munsif, Perambalur.

ABDUL QUDDHOSE. J,

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CRP (PD) No.2925 of 2014

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