

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP(PD)No.4544 of 2014
and M.P.No.1 of 2014

Rasheeda ...Petitioner

Vs

Vijayakumari ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the Judgment and Decree of the Learned Subordinate Judge, Gudiyatham made in C.M.A.No.8 of 2012 dated 10.07.2014 reversing the well considered fair and decretal order of the Learned District Munsif, Gudiyatham made in I.A.No.268 of 2012 in O.S.No.110 of 2012 dated 12.07.2012.

For Petitioner : Mr.N.Ramesh
For Respondent : Mr.K.A.Ravindran

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 10.07.2014, passed by the learned Subordinate Judge, Gudiyatham in C.M.A.No.8 of 2012, reversing the order dated 12.07.2012, passed by the learned District Munsif, Gudiyatham in I.A.No.268 of 2012 in O.S.No.110 of 2012.

Brief facts leading to the filing of the instant revision:

2.The petitioner is the defendant in the suit O.S.No.110 of 2012 and the respondent is the plaintiff. The respondent filed a suit for permanent injunction against the petitioner, restraining the petitioner from interfering with his peaceful possession and enjoyment of the suit schedule property. Pending the suit, I.A.No.268 of 2012 was filed by the respondent seeking for an interim injunction.

3.By order dated 12.07.2012, the trial Court dismissed I.A.No.268 of 2012 filed by the respondent in O.S.No.110 of 2012.

4.Aggrieved by the same, the respondent preferred an appeal before the learned Subordinate Judge, Gudiyatham in C.M.A.No.8 of 2012.

5.By order dated 10.07.2014, the learned Subordinate Judge, Gudiyatham, reversed the finding of the trial Court passed in I.A.No.268 of 2012 in O.S.No.110 of 2012 and granted an order of injunction in favour of the respondent as prayed for in I.A.No.268 of 2012 in O.S.No.110 of 2012.

6. Aggrieved by the order dated 10.07.2014, passed in C.M.A.No.8 of 2012, the instant Civil Revision Petition has been filed under Article 227 of the Constitution of India.

7. Heard, Mr.N.Ramesh, learned counsel for the petitioner and Mr.K.A.Ravindran, learned counsel for the respondent.

8. Both the learned counsels by consent have agreed for the following directions to be passed by this Court:

The trial Court shall dispose of the suit O.S.No.110 of 2012 within a period of three months from the date of receipt of a copy of this order, uninfluenced by the observations made in the order dated 12.07.2012, passed in I.A.No.268 of 2012 in O.S.No.110 of 2012 as well as the order dated 10.07.2014, passed in C.M.A.No.8 of 2012.

9. With the aforesaid direction, the Civil Revision Petition shall stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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ABDUL QUDDHOSE, J.

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To
The Subordinate Judge, Gudiyatham.



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