

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

C.R.P. (PD) No.4639 of 2019

and

CMP No.21867 of 2017

1. Venkatesan
2. Suganandham

...

Petitioners

Vs.

Jayaraj

...

Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decreetal order dated 04.03.2017 made in I.A. No.74 of 2016 in O.S. No.1848 of 2013 on the file of the District Munsif, Puducherry.

For Petitioners : Mr.T.M. Naveen

For Respondent : No appearance

ORDER

The above Civil Revision Petition is filed challenging the dismissal of the application filed by the defendants under Section 10 of the

Code of Civil Procedure to stay all further proceedings in the suit in O.S. 1848 of 2013 pending on the file of the District Munsif, Pondicherry on the ground that the issue involved in the suit is directly and substantially the one and the same involved in the suit in O.S. No.68 of 2008, which is now pending before this Court in SA. No.506 of 2014.

2. The cause of action for filing this suit in O.S. No.1848 of 2013 is the dismissal of the suit in O.S. No.68 of 2008 filed by the revision petitioners and the dismissal of the subsequent first appeal in A.S. No.5 of 2012 by the II Additional District Judge, Pondicherry.

3. Considering the fact that the suit in O.S. No.1848 of 2013 is only a sequel to the Judgment and decree in O.S. No.68 of 2008, which is confirmed in the Appeal Suit No.5 of 2012 and which is now pending before this Court in SA No.506 of 2014, the order of the learned II Additional District Judge, Pondicherry dismissing the I.A. No.74 of 2016 on the ground that the present suit is filed for a mandatory injunction to

handover possession and the settlement deed of the suit property is therefore, not directly and substantially an issue in the suit in O.S. No.68 of 2008. This observation in my considered opinion is erroneous, especially considering the fact that this suit is only a sequel to the judgment and decree in the earlier suit.

4. In the result, the order passed by the learned Principal District Munsif, Pondicherry in I.A. No.74 of 2016 is set aside and there shall be stay of the suit in O.S. No.1848 of 2013 till the disposal of S.A. No.506 of 2014 pending on the file of this Court.

5. The Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

Speaking order/Non-speaking order

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P.T.Asha, J.

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To
The District Munsif, Pondicherry



C.R.P. (PD) No.4639 of 2017

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