



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

C.R.P. (PD) (MD) No.666 of 2019

1.Thalayari Pandi
2.Ganeshan

... Petitioners/Respondents 1 & 2/Defendants 1 & 2

Vs.

1.Dhayalan
2.Raajev
3.Devit Raja

... Respondents/Petitioners/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, directing the learned Principal District Munsif, Tirumangalam, to dispose of the petition in I.A.No.3 of 2019 in O.S.No.32 of 2019 pending on its file within a stipulated time.

For Petitioners : Mr.R.G.Shankar Ganesh

ORDER

This Civil Revision Petition has been preferred to direct the learned Principal District Munsif, Tirumangalam to dispose of the application in I.A.No.3 of 2019 in O.S.No.32 of 2019.

2.Before the trial Court, the petitioners herein are the defendants 1 and 2 and the respondents herein are the plaintiffs. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.The averment of the defendants is that I.A.No.3 of 2019 in O.S.No.32 of 2013 before the trial Court has to be disposed of at the earliest without giving long adjournment. Hence, the present revision.

4.The notes order enclosed by the defendants 1 and 2 shows the proceedings of the trial Court. On perusal of the said notes order, it is observed that after verifying the contention raised by the defendants 1 and 2, a direction has been given by the trial Court to the plaintiffs to maintain the status of ad-interim injunction till 01.03.2019 and on 01.03.2019, when the matter was taken up for hearing, one counsel by name Mr.R.G.Shankar Ganesh for the defendant, filed Vakalat to comply with the Court order regarding the visit of Commissioner with police protection and the matter was posted to 14.03.2019 for commissioner report.



5. On perusal of the records and on hearing the learned counsel for the petitioner, it is observed that the said suit filed by the plaintiffs for injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property and for a declaration that the sale deed dated 17.09.1997 is null and void and for a direction to the fifth defendants not to issue patta to the second defendant.

6. Considering the relief sought by the plaintiffs, the trial Court has ordered injunction and the Commissioner was also appointed for visit. Hence, the grievance of the defendants 1 and 2/the petitioners herein seeking speedy disposal is not proper, unless the said Commissioner files his report.

7. In view of the above, this Court directs the petitioners herein to co-operate with the trial if they have very much aggrieved by the interim order passed by the trial Court and they can file their counter and contest the same on the said report filed by the Commissioner and after the filing of the counter on the report of the Commissioner, the trial Court shall proceed with the case further.

8. This Civil Revision Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

ls/mm

To

The Principal District Munsif Court,
Tirumangalam.

C.R.P. (PD) (MD) No.666 of 2019
04.04.2019

TR (25.04.2019) 2P 2C