



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP (MD) .Nos.693 and 694 of 2019 (PD)

1.B.Leelavathy
2.P.Uma
3.B.Venkateshwaran

...Petitioners/Petitioners/Respondents
/Defendants in both C.R.Ps

Vs.

B.Raja

... Respondent/Respondent/Petitioner
/Plaintiff in both C.R.Ps

PRAYER in C.R.P. (MD) .No.693 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal Subordinate Court, Madurai to dispose of the I.A.No.1112 of 2016 in I.A.No.479 of 2016 in O.S.No.357 of 2016 within a stipulated time as fixed by this Court and to allow this Civil Revision Petition.

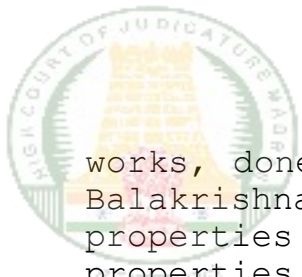
PRAYER in C.R.P. (MD) .No.694 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal Subordinate Court, Madurai to dispose of the I.A.No.1113 of 2016 in O.S.No.357 of 2016 within a stipulated time as fixed by this Court and to allow this Civil Revision Petition.

For Petitioner
in both C.R.Ps : Mr.C.Jeyaprakash

COMMON ORDER

These Civil Revision Petitions have been filed by the petitioners to direct the learned Principal Subordinate Court, Madurai, to dispose of the I.A.Nos.1112 and 1113 of 2016 in O.S.No.357 of 2016, within the time stipulated by this Court.

2.I.A.No.1112 of 2016 in I.A.No.479 of 2016 was filed by the revision petitioners herein. The respondent herein, who is the plaintiff, has filed a suit in O.S.No.357 of 2016 for partition and separate possession of 1/4th share in the suit property and also for permanent injunction. The plaintiff has contended that the petition mentioned properties were purchased in the name of his father viz., Balakrishnan, from the income derived from the contract of wooden



works, done by his father. The plaintiff is the son of the deceased Balakrishnan and also being one of the coparcener of the suit properties and he is entitled to get 1/4th share form the suit properties and for separate possession.

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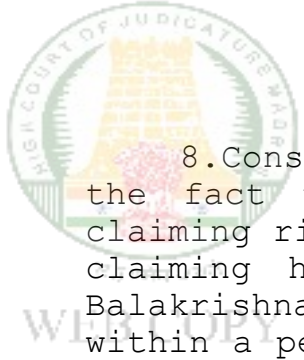
3.The apprehension of the plaintiff is that the defendants have not come forward to effect partition of the suit properties and they are taking steps to sell the petition mentioned properties, without giving due share to the plaintiff. Hence, the suit was filed against the defendants to restrain them from encumbering the petition mentioned properties till the disposal of the main suit. Considering the circumstances and the status of the parties, the trial Court has granted interim order, stating that the petition mentioned properties are the self-acquired properties of the plaintiff's father viz., Balakrishnan, since he claimed his share in the suit properties.

4.I.A.No.1112 of 2016 was filed by the defendants contended that the trial Court has passed an exparte ad interim order of 'Status-quo' on 29.04.2016 in I.A.No.479 of 2016 and the same has been intimated to the plaintiff. It is further contended that inspite of the order of status-quo was passed, the plaintiff was disobeying the order and making permanent structure of iron shed in the first item of schedule property in I.A.No.479 of 2016 and trying to lease out the same to some other third party, as against the legal rights of the defendants. In support of their grievance, the defendants also produced photographs and CDs along with some receipts. Hence, the said application was filed by the defendants seeking a suitable direction by way of detaining the plaintiff in civil prison for a period of three months for the disobedience and breach of the ad interim order of status-quo. In the said petition, the respondent/plaintiff has filed a counter statement and both petitions are pending for enquiry. Hence, the petitioners/defendants have filed the present Civil Revision Petition seeking a direction to the Principal Subordinate Court, Madurai, to dispose of the suit within the time stipulated by this Court.

5.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6.On a perusal of the records, it is observed that the defendants have filed the Civil Revision Petition only for early disposal of the suit, whereas, the suit filed by the plaintiff is for partition claiming 1/4th share in the suit properties, which were earned by his father viz., Balakrishnan, out of his own income.

7.The grievance of the petitioners/defendants is that the respondent/plaintiff is in possession of the suit property from the year 2006 to till date and he is also running a business in the suit properties and hence, they sought for early disposal of the I.As.



8.Considering the right of both parties and also considering the fact that the revision petitioners, who are the defendants claiming right over the property by way of Will and the plaintiff is claiming his share in the property as the Legal Heirs of one Balakrishnan, the trial Court is directed to dispose of the I.As., within a period of six months from the date of receipt of a copy of this order.

9.In the result, the Civil Revision Petitions are disposed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1.The Principal Subordinate Court,
Madurai.

2.The Record Keeper,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.JEYA PRAKASH, Advocate SR-61505.

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CS: (06/06/2019) 3P 5C