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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (PD) (MD) No.897 of 2019

and

CMP (MD) No.5193 of 2019

Gnanamaniyammal Chathiram
represented by its Principal Haqdar
Akthararana K.A.Shanmuga Vel

... Petitioner

vs.

- 1) Tamil Nadu Government
through its District Collector,
Kookirakulam,
Tirunelveli-9.
- 2) Tirunelveli Municipal Corporation
through its Commissioner,
S.N. Highroad, Tirunelveli-1.
- 3) Tahsildar,
Palayamkottai.
- 4) Assistant Commissioner,
Thatchanallur Zone,
Tirunelveli Corporation,
Tirunelveli-1.
- 5) Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli Corporation.
Palayamkottai.
- 6) Town Surveyor,
Palayamkottai Zone,
Tirunelveli Corporation,
Palayamkottai.
- 7) Raja Ushan

... Respondents

Petition filed under Article 227 of the Constitution of India,
against the order passed in I.A.No.619/2018 in O.S.No.156/2015 dated
22.02.2019 on the file of 1st Additional District Munsif,
Tirunelveli.

For Petitioner : Mr.T.Selvan

ORDER

Against the dismissal of the petition to stay the further proceedings of the suit in O.S.No.156/2015, this revision is filed by the plaintiff.

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2.Learned counsel for the petitioner/plaintiff would submit that the suit property is belonged to Ganamaniammal Chatram and there is a dispute regarding the suit property between Ganamaniammal Chatram and the 7th respondent herein. Hence, the petitioner Chatram filed O.S.No.488/2011 on the file of the I Additional District Munsif, Tirunelveli, against the 7th respondent herein, for declaration and recovery of possession. Pending that suit, the 7th respondent tried to change patta of the disputed property in his name. Therefore, the petitioner Chatram filed the present suit in O.S.No.156/2015 against the respondents/defendants for permanent injunction in respect of the suit property. Pending the present suit, the petitioner filed a petition in I.A.No.619 of 2018 in O.S.No.156/2015, to stay the further proceedings of O.S.No.156/2015 till the disposal of O.S.No.488/2011, but the Court below erroneously dismissed the stay petition in I.A.No.619 of 2018 as infructuous holding that O.S.No.488/2011 has already been dismissed. Learned counsel further contended that the judgment in O.S.No.488/2011 has not become final and the petitioner has got every chance of succeeding the appeal and therefore, till O.S.No.488/2011 reaches finality, all further proceedings of O.S.No.156/2015 shall be stayed. Thus, he prayed for allowing this revision petition.

3.Heard the learned counsel for the petitioner.

4.Perusal of record shows that the Trial Court has dismissed the stay petition in I.A.No.619 of 2018 holding that the suit in O.S.No.488/2011 itself has been disposed of on 15.02.2019 and therefore, nothing survives in I.A.No.619 of 2018 in O.S.No.156/2015 and it has become infructuous, where I do not find any infirmity.

Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS)

To
The 1st Additional District Munsif,
Tirunelveli.

C.R.P (PD) (MD) No.897 of 2019
19.06.2019