

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.1213 of 2019**

1.Kandasamy
2.Palanichamy
3.Selvaraj

... Petitioners/Defendants 2 to 4

Vs.

1.Periyasamy

... 1st respondent/Plaintiff

2.Junior Engineer
Idayakottai Division
TamilNadu Electricity Board,
Oddanchathiram

... 2nd respondent/1st defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif, Oddanchathiram, to dispose of the interim application in I.A.No.384 of 2018 in O.S.No.749 of 2011 on the file of the District Munsif, Oddanchathiram, within a stipulated time.

For petitioners : Mr.T.Lajapathi Roy

ORDER

This civil revision petition has been filed by the petitioners seeking a direction to the learned District Munsif, Oddanchathiram, to dispose of the interim application in I.A.No.384 of 2018 in O.S.No.179 of 2011 pending on his file, within a stipulated time.

2. The learned counsel for the petitioners submitted that the first respondent herein has filed the suit in O.S.No.179 of 2011 for declaration and permanent injunction. The petitioners herein have also filed a suit in O.S.No.21 of 2016 in respect of the very same suit property. Therefore, the petitioners filed I.A.No.384 of 2018 in O.S.No.179 of 2011 seeking to conduct joint trial with O.S.No.21 of 2016. The grievance of the petitioners is that though the enquiry in respect of the interim application is already over and it is posted for orders on 05.02.2019, till date there is no order passed in the said interim application. The first respondent has also been intentionally dragging on the matter one way or the other. The petitioners are ready to cooperate with the Court below. Hence, they have filed this revision petition seeking a direction for early disposal of I.A.No.384 of 2018.

3. Heard the learned counsel for the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In view of the limited relief sought for by the petitioners and considering the fact that no prejudice would be caused to the



respondents by ordering this petition, this Court is of the view that notice need not be sent to the respondents.

5. Considering the limited relief sought for by the petitioners in this petition and also the relief sought for in the interim application, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned District Munsif, Oddanchathiram, is directed to dispose of the interim application in I.A.No.384 of 2018 in O.S.No.179 of 2011 on merits and in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the case.

6. This revision petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The District Munsif,
Oddanchathiram.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-79489[F] dated 02/08/2019)

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