



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

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THE HON'BLE MR.JUSTICE J.NISHA BANU

C.R.P.(MD) No.1355 of 2019

K.Mathavan Nair

... Petitioner/Petitioner

-Vs-

Francis

...Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of a direction, to direct the Principal District Munsif Court, Padmanabhapuram to dispose the I.A.No.662 of 2018 in O.S.131 of 2018 on merits at an early date.

For Petitioner : Mr.D.Rajagopal

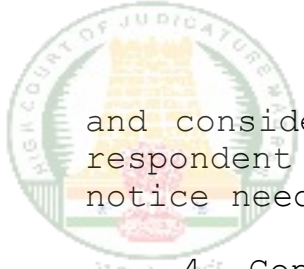
O R D E R

This Civil Revision Petition has been filed seeking a direction to dispose the I.A.No.662 of 2018 in O.S.131 of 2018 on the file of the Principal District Munsif Court, Padmanabhapuram within the time prescribed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.131 of 2018 against the respondent for permanent injunction and also he filed an interlocutory application in I.A.No.662 of 2018 for interim injunction restraining the respondent from disturbing the peaceful possession and enjoyment of the suit schedule property, wherein notice was duly served upon the respondent herein. The grievance of the petitioner is that the trial court has adjourned the matter time and again without disposing the same on merits. Taking advantage of the same, the respondent is trying to interfere with the peaceful possession of the petitioner. The learned counsel further submitted that the respondent has also filed an execution petition in E.P.No.61 of 2019, based on the decree obtained in O.S.No.147 of 2011. Hence, the petitioner has come forward with this Civil Revision Petition seeking for early disposal of the Interlocutory Application.

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

3. In view of the limited relief sought for by the petitioner



and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

4. Considering the facts and circumstances of the case, this Court feels that ends of justice would be met by directing the Court below to dispose of the I.A. within a time frame. Without advertent to the merits of the case, a direction is issued to the learned Principal District Munsif, Padmanabhapuram to dispose the I.A.No.662 of 2018 in O.S.No.131 of 2018 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To,
The Principal District Munsif,
Padmanabhapuram

C.R.P. (MD) No.1355 of 2019
13.08.2019

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