



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD) .Nos.2060 and 2061 of 2019

and

C.M.P (MD) .No.10598 of 2019

in

C.R.P. (MD) .No.2060 of 2019

WEB COPY

1.Phanuvel
2.Loy Rabooni
3.Sobitha Raj
4.Suraj Emmanuel
5.Laila Kumari
6.Prem Kumar
7.Rajkumar
Petitioners

... Petitioners /

Respondents 9-11, 13-16

Vs.

Chellammal (Died)
1.K.M.Robert Samraj
2.S.M.Selvin Lal
3.K.M.Vijayakumar
4.M.C.Joylet Dawson
5.K.M.Jayachandra
6.Binny Dawson
7.Binita Caroline

... Respondents 1-7/Respondents
2-6, 8, 9/Petitioners 2-6, 8, 9

Gabriel (Died)
Harris (Died)
Kadaksham (Died)
M.B.Sam (Died)
Thiyaphilose (Died)
J.H.Thompson (Died)
8.Robertson Rajappa
9.Justin
10.T.Harris Jebakumar
11.T.Latha
12.T.Sutha
13.Deva Buela
14.Subina
15.Femina Rose
16.Sharmila Rose
17.Jenisha Rose

... Respondents 8-17 / Respondents
8, 12, 18-25/Respondents 8, 12, 18-25



COMMON PRAYER: Civil Revision Petitions filed under Section 117 of the Civil Procedure Code, to set aside the fair and decreetal order dated 21.10.2019 passed in E.A.Nos.4 and 5 of 2019 in E.P.No.104 of 2011 in O.S.No.403 of 1961 on the file of the Principal District Munsif Court, Kuzhithurai and allow the civil revision petitions.

For Petitioners in
both C.R.Ps : M/s.J.Anandavalli
For Respondents
in both C.R.Ps : M/s.T.Jeen Joseph

COMMON ORDER

These Civil Revision Petitions are filed challenging the order, dated 21.10.2019 passed in E.A.Nos.4 and 5 of 2019 in E.P.No.104 of 2011 in O.S.No.403 of 1961, on the file of the Principal District Munsif Court, Kuzhithurai.

2.The learned counsel appearing for the revision petitioners submitted that the revision petitioners have filed a suit in O.S.No.5 of 2016 for partition, whereas, according to the revision petitioner, the suit scheduled property in E.P.No.104 of 2011 is one and the same as that of the property in O.S.No.5 of 2016. In such circumstances, if any order is passed in E.P.No.104 of 2011, it will affect the revision petitioners' right over the property in question in O.S.No.5 of 2016.

3.The learned counsel appearing for the respondents fairly submitted that it would suffice, if appropriate direction may be issued to the Court below to dispose of the suit as expeditiously as possible, preferably within a period of four months. He further submitted that in the mean while, the execution proceedings may be stayed.

4.Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for the respondents.

5.In view of the above, without going into the merits of the case, since the suit in O.S.No.5 of 2016 is pending in the year 2016, this Court directs the Court below to dispose of the said suit within a period of four months from the date of receipt of a copy of this order. In the meanwhile, there shall be an order of stay of E.P.No.104 of 2011.



6.With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

Ns

To

The Principal Sub Ordinate Court,
Thiruchirappalli.

+1 cc Mr. T.JEEN JOSEPH ,Advocate, SR.No. 99459

+2 cc Mr. J.ANANDHAVALLI ,Advocate, SR.No. 99157

C.R.P. (MD) .Nos.2060 and 2061 of 2019

and

C.M.P (MD) .No.10598 of 2019

in

C.R.P. (MD) .No.2060 of 2019

_KK/SAR/06.12.2019/3P-5C/