



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

CRP (MD) No.2092 of 2019
and CMP (MD) No.10897 of 2019

1. P.N.V.R.Umakandhan @ O.R.Kandhan
2. R.Kumaragiri ... Petitioners/Respondents/
Respondents

versus

1. A.Raj @ Karuppan Chettiyar
2. A.Balu @ Kalathinathan
3. T.K.S.Manokaran
4. S.D.Gopinath
5. G.Vimala
6. J.Nandhini
7. S.Rengalatha
8. P.Meenakumari ... Respondents/Petitioner/
Appellants

Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 08.11.2018 made in I.A.No.40 of 2018 in A.S.No.21 of 2018 on the file of the Sub Court, Uthamapalayam.

For Petitioners: M/s.T.Lajapathi Roy
For Respondents: Mr.M.Md.Ibrahim Saiba
for M/s.Ajmal Associates

ORDER

This Civil Revision Petition has been filed challenging the order dated 08.11.2018 made in I.A.No.40 of 2018 in A.S.No.21 of 2018 on the file of the Sub Court, Uthamapalayam.

2. The revision petitioners herein are the defendants in O.S.No.240 of 2011. The respondents herein are the plaintiffs in O.S.No.240 of 2011 and they filed the said suit before the District Munsif Court, Uthamapalayam for permanent injunction. However, the said suit was dismissed, by Judgment and Decree dated 08.03.2018. Aggrieved over the same, the respondents herein filed Appeal in A.S.No.21 of 2018 before the Sub Court, Uthamapalayam. Further, they filed an interlocutory application in I.A.No.40 of 2018 in A.S.No.21 of 2018 seeking to stay the operation of Judgment and Decree dated 08.03.2018 passed in O.S.No.240 of 2011 by the learned District Munsif, Uthamapalayam. After hearing both sides, the Court



below, vide order dated 08.11.2018, allowed the said application. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the revision petitioners, they are the owners of the suit property and now they are in occupation of the property.

4. On the other hand, it is the contention of the respondents that they are the joint owners of the property and they are in joint possession of the property.

5. While that being the case, the entire dispute can be decided only after hearing both sides. Therefore, this Court is of the view that it would be appropriate to direct the Court below to dispose of the Appeal Suit within a period of four months time.

6. Accordingly, this Court directs the Sub Court, Uthamapalayam, to dispose of A.S.No.21 of 2018, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order, preferably on day-to-day basis without granting any adjournment.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Sub Court, Uthamapalayam.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No. 100154

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DB (CO)

TR(10.12.2019) 2P 3C