

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.583 of 2020
and
C.M.P.No.3025 of 2020

S.Ashok Kumar .. Petitioner/Petitioner /
Plaintiff

Vs.

1. Rengarajan
2. Nalinabai .. Respondents/Respondent/
Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.12.2019, in I.A.No.3 of 2019 in O.S.No.181 of 2010 on the file of the learned District Munsif, Jayamkondam.

For Petitioner : Mr.B.Ram Prasath

O R D E R

Present revision has been filed against the order dismissing the petitioner's application to stay the suit in O.S.No.181 of 2010 pending on the file of the learned District Munsif, Jayamkondam till the disposal of the application filed by the petitioner before the competent Authority under the Tamil Nadu Cultivating Tenants (Protection) Act, 1955.

2. The petitioner filed the suit in the year 2010, for injunction restraining the respondents herein from interfering with the suit schedule property. Pending suit, in the year 2013, the petitioner filed an application before the Record of Tenancy Right Officer to record him as a cultivating tenant and that the said application is still pending disposal. In the above circumstances, the petitioner has filed the present application to keep the suit pending till the disposal of his application pending before the Record of Tenancy Right Officer. The trial Court dismissed the said application. Now, challenging

the same, present revision has been filed.

3. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

4. The petitioner filed the suit in the year 2010 for injunction and also obtained an order of interim injunction and enjoying the property. Thereafter, in the year 2013, he filed an application before the Record of Tenancy Right Officer to record him as a cultivating tenant. That application is pending consideration. Pending that application now in the year 2019, the petitioner has filed the present application to stay the suit on the ground that till the disposal of the proceedings before the Record of Tenancy Right Officer the proceedings in the suit be stayed. First of all under Section 10 C.P.C., present suit cannot be stayed. Apart from that, for a proceedings pending before the Record of Tenancy Right Officer, the suit cannot be stayed after commencement of the trial. Even though the learned counsel appearing for the petitioner relied upon a judgement of this Court in S.Mahalingam Vs. Thaiyainayagi reported in 2018 (4) TLNJ 241 (Civil) to support his case, the Court below has considered the said judgement and held that the said judgement is not applicable to the facts on the instant case. The trial Court considering all the above aspects dismissed the application. I do not find any illegality or irregularity in the same as the trial Court has rightly dismissed the said application. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the order of the Court below, impugned in this revision is hereby confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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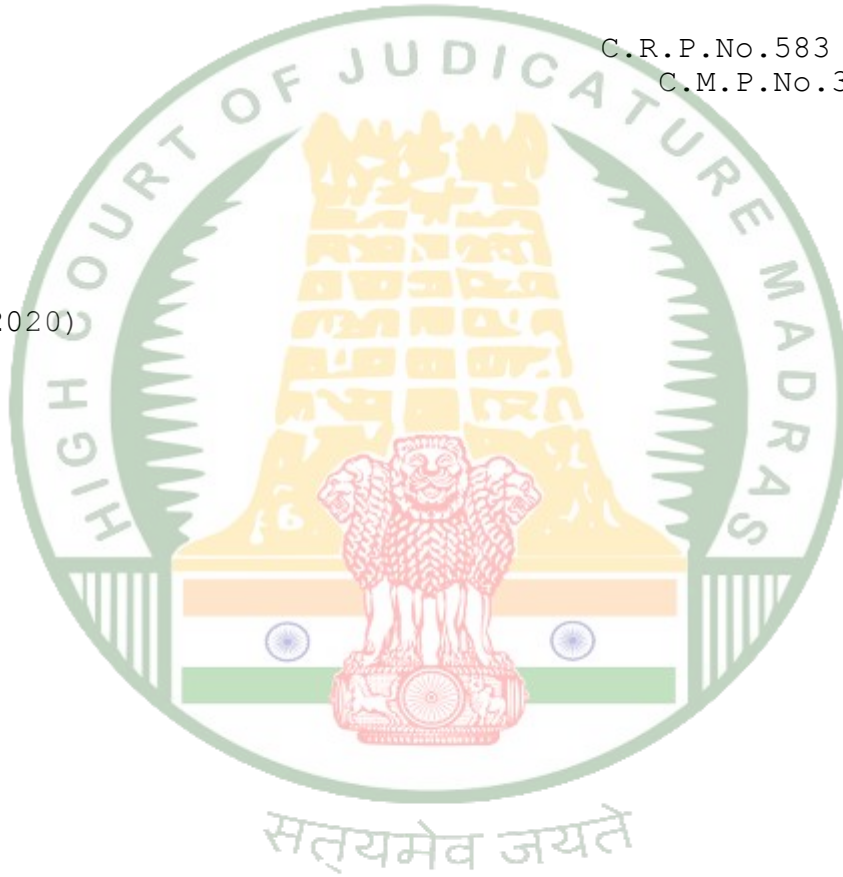
To

The District Munsif,
Jayamkondam.

+1cc to Mr.B.Ram Prasath, Advocate, Sr.No.12876

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RLD (CO)
GS (22/07/2020)



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