



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

C.R.P. (MD) Nos.543 and 544 of 2011

and

M.P.No.1 of 2011

WEB COPY

C.R.P. (MD) No.543 of 2011

1.S.E.Arumugam Pillai
2.S.E.Krishnapillai
3.S.E.Sivakumar
4.S.E.Karthikyeen

... Petitioners/Respondents 1 to 4/
Petitioners 1 to 4/ Plaintiff 1 to 4

Vs.

1.Lekshmi
2.Sworna latha
3.Uma

... Respondents 1 to 3/Appellants /
Respondents/ Defendants

4.R.Nagarajan

...4th Respondents/5th Respondent/
5th Petitioner/5th Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in C.M.A.No.23 of 2009 on the file of the Sub-Court, Padmanabhapuram and set aside the order dated 25.10.2010 passed in it and therefore dismiss the said C.M.A.No.23 of 2009.

C.R.P. (MD) No.544 of 2011

1.Ramadhas (died)
2.Easwaradhas
3.Arumugam Pillai
4.Krishnapillai
5.Sivakumar
6.Karthikyeen

.. Petitioners/Respondents 1 to 6/
Respondents 1 to 6/Defendants 1 to 6

7.B.Maheswari
8.R.Arumuga prasad
9.M.R.Banu

(Petitioners 7 to 9 are brought on record
as legal representatives of the deceased
first petitioner vide order dated 11.06.2015) ...Petitioners

Vs.



1.Lekshmi
2.Sworna latha
3.Uma

... Respondents 1 to 3/Appellants/
Petitioners/Plaintiffs

4.R.Nagarajan

...4th Respondent/7th Respondent/
7th Respondent/7th Defendant

Prayer:-This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in C.M.A.No.22 of 2009 on the file of the Sub-Court, Padmanabhapuram and set aside the order dated 25.10.2010 passed in it and therefore dismiss the said C.M.A.No.22 of 2009.

For Petitioner : Mr.C.Dhanaseelan

For R1 to R3 : Mr.K.Sreekumaran Nair

(in both C.R.Ps.)

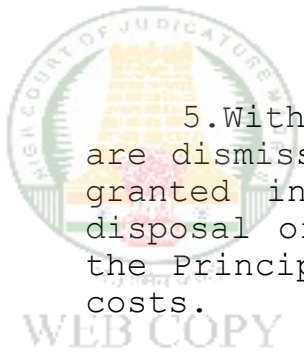
ORDER

These two revision petitions arise out of the proceedings under Order 39 Rule 1 and 2 of Code of Civil Procedure. The suits were cross suits in O.S.No.70 of 2009 and O.S.No.74 of 2009. In both the suits application for injunction were filed, in I.A.No.171 and 176 of 2009. While I.A.No.171 of 2009 in O.S.No.70 of 2009 was dismissed, in I.A.176 of 2009 in O.S.No.74 of 2009 an order of status quo was granted. Both these orders were challenged by way of appeals in C.M.A.Nos.22 and 23 of 2009.

2.C.M.A.No.22 was filed against the order in I.A.No.171 of 2009. The appellate Court set aside the order passed in I.A.No.171 of 2009 granting an order of injunction as prayed in I.A.No.171 of 2009. The other Civil Miscellaneous Appeals namely C.M.A.No.23 of 2009 was also allowed and I.A.No.176 of 2009 stood dismissed. It is against these orders passed in Civil Miscellaneous Appeals, these Civil Revision Petition Nos.543 and 544 of 2011 have been filed.

3.Mr.K.Sreekumaran Nair, the learned counsel appearing for the respondent in both these Civil Revision Petitions would submit that there is an order of status quo that was ordered pending the Civil Revision Petition and the same has been in force for almost 9 years now.

4.It is also stated that the suits are posted for trial tomorrow(27.02.2020) and there is every possibility of the suits being disposed of in the very near future. He has no objection for the interim order of status quo to continue till the disposal of the suit.



5.Without going into the merits, the Civil Revision Petitions are dismissed with a direction that the interim order of status quo granted in the Civil Revision Petitions will continue till the disposal of the suits in O.S.Nos.70 and 74 of 2009 on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel. No costs.

6.Considering the facts that the suits are of the year 2009, the trial Court namely the District Munsif cum Judicial Magistrate, Eraniel, is directed to dispose of the suits at an early date at any rate on or before 31.07.2020.

7.With these directions, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

1.The Subordinate Judge, Padmanabhapuram.

2.The Principal District Munsif cum Judicial Magistrate, Eraniel.

+1 CC to Mr.K.SREE KUMARAN NAIR, Advocate (SR-8630[F] dated 27/02/2020)

+2 CC to Mr.C.DHANASEELAN, Advocate (SR-9082,9081[F] dated 28/02/2020)

C.R.P. (MD) Nos.543 and 544 of 2011

and

M.P.No.1 of 2011

26.02.2020

VB(13.03.2020) 3P 6C