

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.505 of 2021

1. Mr. M.A. Mohammed Ghouse
2. Mrs. Mehrunnisa Begum,
Petitioners

Vs.

1. K. Meganathan
2. Mrs. J. Rukmani
Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned Additional District Munsiff, Alandur, for disposal of the I.A. No.1195 of 2014 in O.S. No.742 of 2014 on the file of Additional District Munsiff, Alanadur.

For Petitioners

... Mr.M. Vinoth Kumar

For Respondents

... No Appearance

ORDER

The Civil Revision Petition has been filed praying to direct the learned Additional District Munsiff, Alandur, for disposal of the I.A. No.1195 of 2014 in O.S. No.742 of 2014 on the file of Additional District Munsiff, Alanadur.

2. The case of the petitioners is that the petitioners herein are the defendants and the respondents herein are the plaintiffs in the suit in O.S. No.742 of 2014 on the file of the Additional District Munsiff Court, Alandur. The plaintiff/respondent herein has filed O.S. No.742 of 2014 against the defendants/petitioners herein seeking for to pass a decree of permanent injunction restraining the defendants/petitioners herein from interfering with the plaintiffs/respondent peaceful possession and enjoyment of the property since the plaintiffs/respondents succeeded the suit schedule property from their ancestor who were in possession and enjoyment of the said property continuously for the 70 years. Thereafter, the plaintiffs/respondents have filed I.A.No.1195 of 2014 praying for to grant an order of interim injunction restraining the defendants/petitioners

herein, from interfering with their peaceful possession and enjoyment of the suit schedule property till the disposal of the suit. Upon considering the facts and circumstances and all other documents filed by the plaintiff/respondents herein, the learned Trial Judge by order dated 27.08.2014 has allowed the aforesaid I.A. by granting interim injunction till 10.09.2014. Thereafter, the matter has been adjourned for more than six years by extending the interim order without the disposal of the interim application. Being aggrieved, the defendants/petitioners herein have filed the present Civil Revision Petition seeking for a direction to dispose of the I.A.No.1195 of 2014 in a time framed by this Court.

3. The learned counsel for the petitioners would submit the learned Trial Judge had not disposed of the Interim application till date that is more than 6 years, except for adjourning the matter by extending the ex-parte interim order. It has further submitted that the plaintiffs/respondents herein had approached the Court below with fabricated documents suppressing the material facts. The Interim stay has been passed based on the fabricated property tax receipts and other documents fabricated by the plaintiffs/respondents herein. In spite of

having title Deed, patta and other revenue records in the favour of the defendants/petitioners herein and Counter filed on 03.03.2015, the Interim injunction has been extending till now without disposal of the Interim Application. Hence, this Court may direct the learned Additional district Munsiff, Alandur for the disposal of the I.A. No.1195 of 2014 in O.S.No.742 of 2014 in a time framed manner.

4. Heard, the learned Counsel for the petitioners and perused the material available on record.

5. On a perusal of the record, it is seen that after passing interim injunction till 10.09.2014, the case has been adjourned from 10.09.2014 to 10.02.2021 for various reasons extending Interim order passed by the Court below. The suit in O.S.No.742 of 2014 on the file of the Additional District Munsif Court, Alandur has been filed by the plaintiff/respondents herein in the year 2014 and thereafter, they have filed I.A. No.1195 of 2014 in O.S.No.742 of 2014 on its file wherein the interim order was granted on 27.08.2014 in favour the plaintiff/respondents herein. In spite of filing this Civil Revision Petition seeking for disposal of the aforesaid

application, the defendants/petitioners, even after passing six years, have not taken any steps till filing this application. However, interim stay is in still existence without the disposal of the interim application, and further, the plaintiffs/respondents herein has sought for only to pass a decree of permanent injunction and not suit for declaration. Under these Circumstances, the defendants/petitioner herein are claiming the suit property having a tile deed, patta and other revenue records in favour of them. Hence, the Court below is directed to dispose of the aforesaid interim application within a period of three months from the date of receipt of copy of this order.

6. In the result, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

WEB COPY 10.03.2021

lbm

Index: Yes/No.

Speaking/Non-Speaking order

Internet: Yes/No.

C.R.P.(PD) No.505 of 2021

V.BHAVANI SUBBAROYAN, J.,

lbm

To:

The learned Additional District Munsiff,
Alandur



C.R.P.(PD) No.505 of 2021

WEB COPY

10.03.2021