

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD).No.4433 of 2013

and

M.P.No.1 of 2013

Lalith Achoth

.. Petitioner

Vs.

1.C.A.Saithalavi

2.Ashok Rajan

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the judgment and decree dated 17.11.2012 made in C.M.A.No.7 of 2012 on the file of the Court of Subordinate Judge & Appellate Authority of the Nilgiris at Uthagamandalam against the fair and decretal order dated 14.02.2012 made in I.A.No.916 of 2010 in O.S.No.142 of 2010 on the file of the District Munsif, Gudalur.

For Petitioner

: Mr.T.M.Naveen
for Mr.T.P.Manoharan

For R1

: Mr.K.A.Ramakrishnan

ORDER

(The matter is heard through “Video Conferencing/Hybrid Mode”).

This Civil Revision Petition is filed against the judgment and decree dated 17.11.2012 made in C.M.A.No.7 of 2012 on the file of the Court of Subordinate Judge & Appellate Authority of the Nilgiris at Uthagamandalam reversing the order granting interim injunction to the petitioner in I.A.No.916 of 2010 in O.S.No.142 of 2010 on the file of the District Munsif, Gudalur.

2.The petitioner filed suit against the respondents for permanent injunction against the 1st respondent restraining him from interfering with the petitioner's peaceful possession and enjoyment of the suit property. Pending suit, the petitioner filed I.A.No.916 of 2010 for ad-interim injunction. The Trial Court by the order dated 14.02.2012 allowed the I.A. and restrained the respondents to interfere with the possession of petitioner in the suit property, until disposal of the suit. Challenging the said order, the 1st respondent filed C.M.A.No.7 of 2012 before the Court of Subordinate Judge & Appellate Authority of the Nilgiris at Uthagamandalam. The learned Subordinate Judge and Appellate Authority, Uthagamandalam at Nilgiris by the judgment dated 17.11.2012 allowed the appeal by setting aside the order dated 14.02.2012

made in I.A.No.916 of 2010 in O.S.No.142 of 2010 and dismissed the I.A.No.916 of 2010 in O.S.No.142 of 2010.

3.Against the said judgment dated 17.11.2012 made in C.M.A.No.7 of 2012, the petitioner has filed the present Civil Revision Petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 1st respondent and perused the entire materials on record.

5.From the materials on record, it is seen that the petitioner filed suit for permanent injunction against the 1st respondent restraining him from interfering with the petitioner's peaceful possession and enjoyment of the suit property. This Court, by the order dated 09.01.2014 granted order of *status quo* till 27.01.2014 and subsequently it was not extended as the Civil Revision Petition was not listed till 2021. The learned counsel appearing for the petitioner submitted that suit was dismissed for default and subsequently the petitioner filed I.A.No.1 of 2021 and suit was restored to file on 27.04.2021 and posted for Trial on 24.08.2021.

6.Considering the above materials and the fact that the petitioner has filed suit for permanent injunction, without deciding the issue on merits, the District Munsif at Gudalur, the Nilgiris is directed to dispose of the suit on merits without being influenced by the order in I.A.No.916 of 2010 and the judgment in C.M.A.No.7 of 2012 within a period of six months from the date of receipt of a copy of this order. Considering the order of *status quo* granted by this Court on 09.01.2014, the parties are directed to maintain *status quo* till the disposal of the suit.

7.With the above directions, the Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.08.2021

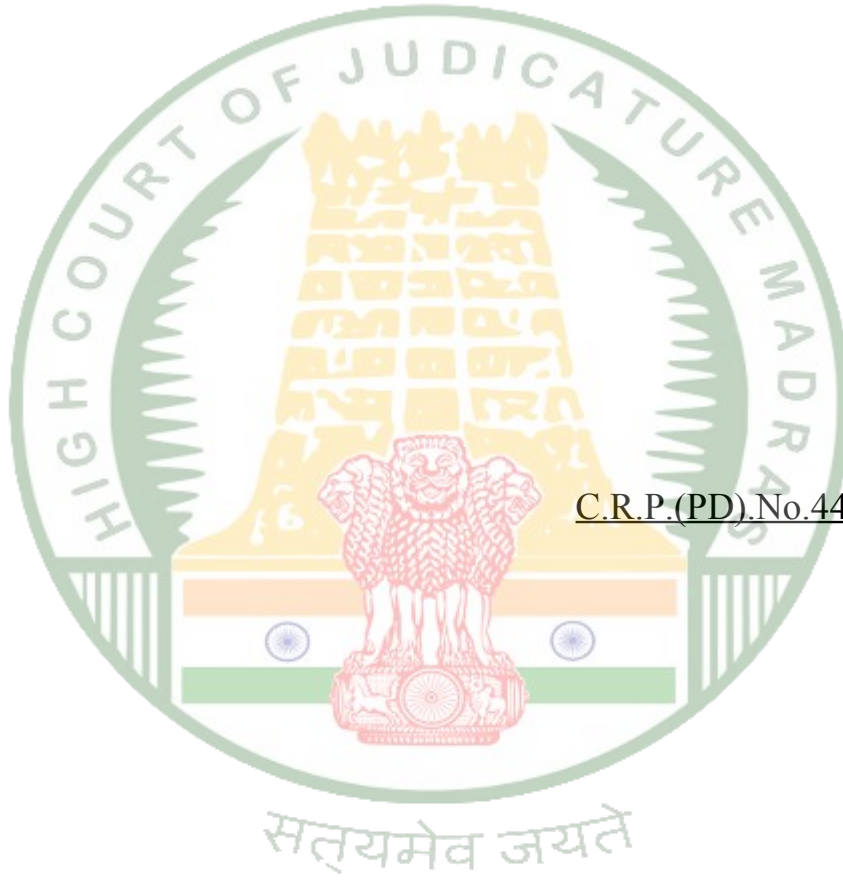
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Index : Yes / No
Internet : Yes / No

To

- 1.The Subordinate Judge & Appellate Authority of the Nilgiris, Uthagamandalam.
- 2.The District Munsif, Gudalur.

V.M.VELUMANI, J.
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