

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) Nos.3716 & 3717 of 2016
and C.M.P.Nos.18886 & 18887 of 2016

1. C.Vellingiri
2. K.Raman
3. B.Vikraman
4. P.V.Babu
5. N.Chinnathambi
6. P.Chinnakannan

... Petitioners in
both CRPs

Vs.

1. Pattu @ Pachaialmmal
2. P.R.Periyasamy
3. Sakkarai
4. Kannayiram
5. Anbazhagan
6. Kalyani
7. Chinnamani
8. Chinnasamy
9. Elavarasu
10. Kaveri
11. Madhammal
12. Ashok kumar
13. Ramu
14. Navamani
15. Vennila

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16. Vijaya
17. Lakshmi
18. Chinnasamy

... Respondents in
CRP.3716/2016

1. Mumtaj
2. Rafi
3. Parzana
4. Rexana

... Respondents in
CRP.3717/2016

Prayer in C.R.P.No.3716 of 2016:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 16.03.2016 passed by the learned District Munsif cum Judicial Magistrate, Pochampalli in I.A.No.19 of 2016 in O.S.No.134 of 2010.

Prayer in C.R.P.No.3717 of 2016:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.04.2016 passed by the learned District Munsif cum Judicial Magistrate, Pochampalli in I.A.No.20 of 2016 in O.S.No.54 of 2010.

For Petitioners
in both CRPs : Mr.T.M.Hariharan
For Respondents
in both CRPs : No appearance

COMMON ORDER

These Civil Revision Petitions have been filed as against the fair and decreetal orders dated 16.03.2016 & 06.04.2016, passed by the learned District Munsif cum Judicial Magistrate, Pochampalli in I.A.No.19

of 2016 in O.S.No.134 of 2010 and I.A.No.20 of 2016 in O.S.No.54 of 2010 respectively, thereby dismissing the petition filed by the petitioners to stay further proceedings in the above suits.

2. In both the Civil Revision Petitions, the petitioners are the defendants in the suit filed by the respondents for declaration and injunction in respect of the suit property. Admittedly, in respect of the very same property, the petitioners filed suit in O.S.No.46 of 2011 and the said suit was dismissed by the judgment and decree dated 31.08.2015. Aggrieved by the same, the petitioners filed an appeal suit on the file of the Sub Court, Uthangarai. Though appeal suit filed before the first appellate Court dismissed as against the judgment and decree, the petitioners preferred a second appeal in S.A.No.222 of 2018 before this Court and it is pending.

3. It is also seen that in respect of the very same property, the respondents herein also filed suits in O.S.Nos.134 of 2010 & 54 of 2010. Therefore, till the disposal of the appeal as against the judgment and decree passed in O.S.No.49 of 2011, further proceedings in O.S.Nos.134 & 54 of

2010 can be stayed. Therefore, the orders passed by the Court below are perverse and liable to be set aside.

4. In view of the above discussions, the orders dated 16.03.2016 & 06.04.2016, passed by the learned District Munsif cum Judicial Magistrate, Pochampalli in I.A.No.19 of 2016 in O.S.No.134 of 2010 and I.A.No.20 of 2016 in O.S.No.54 of 2010 respectively, are hereby set aside. Till the disposal of the second Appeal in S.A.No.222 of 2018 by this Court, further proceedings in O.S.Nos.134 & 54 of 2010 are stayed.

5. Accordingly, both the Civil Revision Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

01.03.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The District Munsif cum
Judicial Magistrate,
Pochampalli.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts



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