

C.R.P.(PD).Nos.1755 & 2915 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1755 & 2915 of 2017
and C.M.P.No.13778 of 2017

C.R.P.(PD).No.1755/2017

1.Amutha
2.Venda

.. Petitioners

Vs.

1.Kannan
2.Murugan
3.Perumal

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 05.04.2017 made in I.A.No.453 of 2017 in O.S.No.159 of 2017 on the file of the Principal District Munsif Court, Gingee.

For Petitioners : Mr.K.Krishnan

For Respondents : Mr.Bharatha Chakravarthy
for M/s.Sai Bharath

C.R.P.(PD).No.2915/2017

1.Kannan
2.Murugan
3.Perumal

.. Petitioners

Vs.

1.Amutha
2.Venda

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 06.10.2016 made in I.A.No.1485 of 2016 in O.S.No.657 of 2016 on the file of the Principal District Munsif Court, Gingee.

For Petitioners : Mr.Bharatha Chakravarthy
for M/s.Sai Bharath

For Respondents : Mr.K.Krishnan

COMMON ORDER

(The matter is heard through 'video conferencing/hybrid mode')

C.R.P.No.1755 of 2017 is filed to set aside the fair and decreetal order dated 05.04.2017 made in I.A.No.453 of 2017 in O.S.No.159 of 2017 on the file of the Principal District Munsif Court, Gingee.

C.R.P.No.2915 of 2017 is filed to set aside the fair and decreetal order dated 06.10.2016 made in I.A.No.1485 of 2016 in O.S.No.657 of 2016 on the file of the Principal District Munsif Court, Gingee.

2.The parties and the suit properties involved in both the Civil Revision Petitions are one and the same and hence, they are disposed of by this common order.

3.The parties are referred to as per their rank in O.S.No.657 of 2016, for the sake of convenience.

4.The plaintiffs filed O.S.No.657 of 2016 on the file of the Principal District Munsif Court, Gingee, for permanent injunction, restraining the defendants from constructing any building in the suit properties. Pending suit, the plaintiffs filed I.A.No.1485 of 2016 for interim injunction. Ad-interim injunction was granted on 06.10.2016. The defendants filed written statement and are contesting the suit. The interim

injunction granted on 06.10.2016 is periodically extended for more than 15 times. The learned counsel appearing for the plaintiffs submitted that even now, it is extended. The defendants filed C.R.P.No.2915 of 2017 on 04.08.2017, challenging the order dated 06.10.2016 made in I.A.No.1485 of 2016 in O.S.No.657 of 2016, granting interim injunction.

5.The defendants in O.S.No.657 of 2016 filed O.S.No.159 of 2017 on the file of the Principal District Munsif Court, Gingee, for declaration and permanent injunction of very same suit property. Pending suit, the defendants also filed I.A.No.453 of 2017 and sought for interim injunction. The learned Principal District Munsif, by the order dated 05.04.2017, granted ad-interim injunction. The plaintiffs filed C.R.P.No.1755 of 2016, challenging the said order.

6.From the materials on record, it is seen that both the plaintiffs and defendants have filed their respective suits with regard to the very same property, before the very same Court. In both the suits, interim injunction is granted against each other. Considering the fact that both

the suits relate to same property and are pending in the same Court, without deciding the issue on merits, it is suffice to direct the learned Principal District Munsif, Gingee, to dispose of both the suits jointly, as expeditiously as possible, in any event, within a period of six months from the date of receipt of a copy of this order, without being influenced by the interim orders granted in I.A.Nos.1485 of 2016 and 453 of 2017, in both the suits. The parties are directed to cooperate for disposal of the suits.

With the above direction, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.08.2021

Index :: Yes/No

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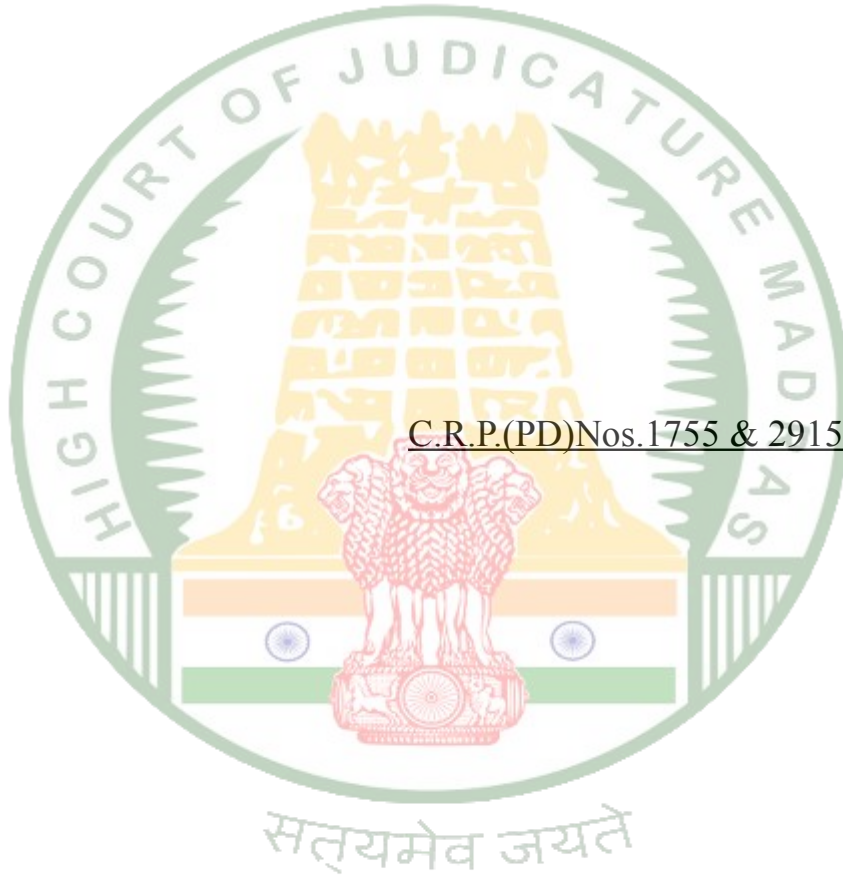
To

The Principal District Munsif,
Gingee.

C.R.P.(PD).Nos.1755 & 2915 of 2017

V.M.VELUMANI, J.

gsa



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