



C.R.P. (PD) No.1763 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

C.R.P.(PD).No.1763 of 2017

and

CMP.Nos.8308 & 8309 of 2017

1.V.Vasanthi

2.V.Veluswamy

3.V.Vijaykathiravan Alias Vijaykarikalan

4.R.Chandrakala

5.R.Ashwathama

...Petitioners

Versus

1.C.Renuka Devi Alias C.Renuka

2.Tamilselvan

3.Palanisami

(Respondent 2 & 3 are not necessary
parties and hence given up)

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to prefer the above Civil Revision Petition against petition order dated 29.04.2017 made in I.A.No.666 of 2017 in O.S.No.817 of 2017 on the file of the Principal District Munsif, Coimbatore.



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For Petitioners : Mr.A.E.Ravi Chandran
For R1 : Mr.Muthumani Duraisami
For R2 & R3 : given up

ORDER

This Civil Revision Petition has been filed by the petitioners against the order passed in I.A.No.666 of 2017 in O.S.No.817 of 2017 on the file of the Principal District Munsif, Coimbatore.

2.Heard the learned counsel for the petitioners and the respondents.

3.The learned counsel for the petitioners would submit that the 1st respondent herein has filed a suit in O.S.No.345 of 2017 against some person and got an order of interim injunction and these petitioners are not the parties in the above suit. It is further submitted that the petitioners herein filed a suit in O.S.No.533 of 2017 seeking for declaration of Will dated 11.02.1991 is valid and for permanent injunction against the 1st respondent herein, wherein, an order of interim injunction was passed against the 1st respondent herein in I.A.No.487 of 2017. While so, the 1st respondent herein filed a suit in O.S.No.817 of 2017 against the petitioners herein for permanent injunction



restraining the petitioners in any way or whatsoever manner from putting up any type of construction or altering the physical features in the suit properties till the disposal of the suit. The 1st respondent herein obtained an order of status quo to maintain the suit property, keeping it as vacant in I.A.No.666 of 2017. The learned counsel for the petitioners would object the status quo order and preferred this present Civil Revision Petition.

4.The learned counsel for the petitioners would submit that after interim injunction was passed against the 1st respondent herein, the Court below has failed to see that after entering into appearance, the 1st respondent herein instead of filing application seeking to vacate interim injunction, had filed a fresh suit in O.S.No.817 of 2017 before the Principal District Munsif, Coimbatore. It is further submitted that the learned Judge who already granted the interim injunction in favour of the petitioners, also granted the order of status quo in favour of the 1st respondent vide order dated 29.04.2017 that too after finding that the suit property has been in possession of the petitioners on the ground that they are putting up construction. Therefore, granting such interim order of status quo at the pre-notice stage itself directing to keep the suit property as vacant till 05.06.2017 is liable to be set aside.



5. The learned counsel for the respondents would submit that Civil Revision Petition is not maintainable and he relied upon the judgment reported in **2000 (7) Supreme Court Cases 695 in A.Venkatasubbiah Naidu Vs. S.Chellappan and Others.**

6.Per Contra, the learned counsel for the petitioners would submit that the ruling cited by the respondent's counsel is not applicable to the facts of this Case because in that case, a solitary suit has been filed, whereas in the present case, three suits in O.S.Nos.345 of 2017, 533 of 2017 and 817 of 2017 have been filed pertaining to the same property and in all the cases interim injunction was obtained.

7.Admittedly, O.S.No.345 of 2017 filed by the 1st respondent, O.S.No. 533 of 2017 filed by the petitioners herein and O.S.No.817 of 2017 filed by the 1st respondent herein are pending before the same Court, which has granted interim injunction in all the cases. The trial Court ought to have passed an order for joint trial in respect of the three suits on application and ought to have taken steps for joint trial. The learned counsel for both sides have no objections to try all the three suits jointly. The learned counsels sought for direction directing the trial Court to dispose of the case within a time framed by this Court.



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8. In view of the submissions made by the counsel for parties, the trial Court is directed to conduct joint trial of all the three cases on application by the parties and proceed with the same on merits and dispose of the same as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

9. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

25.11.2021

gbi

Index: Yes/ No
Speaking Order / Non-Speaking Order

To

The Principal District Munsif,
Coimbatore.



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S.KANNAMMAL, J.,

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