



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.1172 of 2020

and

CMP(MD)No.7472 of 2020

Elangovan

... Petitioner/Petitioner/
Plaintiff

vs.

1)R.Sundaraj @ Sundarajan

2)M/s.Muthoot Finance Company Ltd.,
Represented by its Manager,
No.84/2nd Floor,
South Veli Street Branch,
Madurai-625001.

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Thirumangalam, to dispose of I.A.No.83 of 2019 in O.S.No.155 of 2015 within a time frame fixed by this Hon'ble Court.

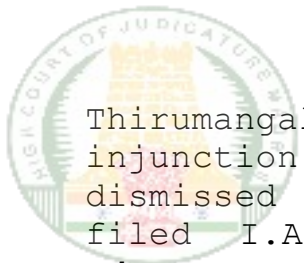
For petitioner

: Mr.P.Subbaraj

ORDER

This petition has been filed to direct the learned District Munsif, Thirumangalam, to dispose of I.A.No.83 of 2019 in O.S.No.155 of 2015 within a time frame.

2.The learned counsel for the petitioner would state that the suit property originally belonged to the mother of the 1st respondent/1st defendant namely, Dayasrani who executed a settlement in favour of the 1st respondent on 30.04.2012 and thereafter, the 1st respondent executed an unregistered othi deed dated 20.02.2013 in favour of the petitioner and handed over the suit property to the petitioner and based on the othi deed, the petitioner is residing in the suit property. While so, on 07.05.2015, the 2nd respondent and his men came to the petitioner's house and informed his wife that the 1st respondent had borrowed a sum of Rs.8,00,000/- from the 2nd respondent company by pledging the suit property. Thereafter, the petitioner's wife lodged a police complaint on 21.05.2015 and during enquiry, the police directed the 2nd respondent not to interfere in the suit property without any order of the competent civil court and the petitioner was also directed to approach the civil court. Hence, the revision petitioner/plaintiff has filed the above suit against the respondents/defendants before the learned District Munsif,



Thirumangalam, for permanent injunction along with interim injunction petition in I.A.No.547/2015. While so, the suit was dismissed for default and to restore the suit, the petitioner filed I.A.No.83/2019. According to the petitioner, taking advantage of the order passed in the SARFEASI proceedings, where the petitioner is not a party, the 2nd respondent is trying to evict the petitioner from the suit property. Hence, this revision petition.

3.Heard the learned counsel for the petitioner. Since it is only a petition for early disposal of I.A., notice to the respondents is not necessary.

4.Considering the above submissions made by the learned counsel for the petitioner and the circumstances of the case, the learned District Munsif, Thirumangalam, is directed to dispose of I.A.No.83 of 2019 in O.S.No.155 of 2015 within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To
The District Munsif,
Thirumangalam.

COPY TO

The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.SUBBARAJ, Advocate (SR-180[F] dated 06/01/2021)

ORDER MADE IN
CRP(MD)No.1172 of 2020
DATED : 05.01.2021

KM (29.01.2021) 2P 4C