



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 25.10.2021.

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(NPD) (MD) No.2274 of 2014
and
M.P.(MD) Nos.1 and 2 of 2014

Valarmathi

...Petitioner/Respondent

vs.

1. Ganeshan
2. Muthulakshmi
3. Kaliswaran

...Respondents/Appellants

Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 29.4.2014 in C.M.A.No.6 of 2013 on the file of the Sub Judge, Devakottai reversing the order dated 5.3.2013 in I.A.No.60 of 2013 in O.S.No.10 of 2013 on the file of the District Munsif, Devakottai.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.B.Muruganandam

ORDER

The present civil revision petition has been filed as against the order dated 29.4.2014 in C.M.A.No.6 of 2013 on the file of the Sub Judge, Devakottai against the order dated 5.3.2013 in I.A.No.60 of 2013 in O.S.No.10 of 2013 on the file of the District Munsif, Devakottai.

2. Learned counsel for the petitioner would submit that the revision petitioner is the plaintiff in O.S.No.10 of 2013 filed for injunction and the Trial Court, after issuing notice and hearing the respondent in I.A.No.60 of 2013, was pleased to grant interim injunction in favour of the revision petitioner/plaintiff, against which, the respondent had filed C.M.A.No.6 of 2013 and strangely, the Appellate Court, by order dated 29.4.2014, while dismissing the appeal filed by the respondent/defendant, had also set aside the order of injunction granted in favour of the plaintiff and remitted the matter back to the Trial Court for further enquiry.

3. The learned counsel would further submit that immediately, the petitioner approached this court and this court, by order dated 10.11.2014, granted an order of interim stay of the order passed by the appellate court and subsequently, by order dated 28.1.2015, had



extended the interim order until further orders. He would also submit that as on date, the Trial in the suit has commenced and the plaintiff had been examined in chief and the case now stands for cross examination of the petitioner/plaintiff. He would further submit that pursuant to the interim order granted, the petitioner continues to be in possession and that he would submit that since the trial has commenced, a direction may be issued to the court concerned to complete the trial at the earliest.

4. Learned counsel for the respondents would submit that the petitioner has given a written undertaking that she would not claim right over the property and thereafter, she had filed the suit.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. This court is of the opinion that the issues raised by both the parties are matters for trial by adducing evidence before the Trial Court. Admittedly, the petitioner has been enjoying the benefit of interim order passed by this court. No purpose will be served by keeping the civil revision petition without rendering any finding with regard to possession.

7. In view of the above, this revision stands disposed with a direction to the Trial Court to complete the trial in O.S.No.10 of 2013 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. It is made clear that this court has not made any finding or observation with regard to the merits of the case. The Trial Court shall independently decide the suit based on the evidence adduced by both the parties during trial. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssk.

Note: In view of the present lock down owing to COVID 19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.Sub Judge,
Devakottai.



2.District Munsif,
Devakottai.

3.Copy to:

The Section Officer,V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.MURGANANDAM, Advocate (SR-32466[F] dated
25/10/2021)

**C.R.P. (NPD) (MD) No.2274 of 2014
and**

**M.P. (MD) Nos.1 and 2 of 2014
25.10.2021.**

MGJ/UV(08.11.2021) 3P 6C