



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.2281 of 2019

Kesavan

... Petitioner

-Vs-

1. Ganesan
2. Subramanian
3. Chelladurai
4. Vasantha
5. Sangapillai,S/o. Poonjsellan
6. Sangapillai,S/o. Poraikillan
7. Chinnammal
8. Jothivel
9. Selvam

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the trial Court to decide the interim application finally pending in I.A.No.320 of 2018 in O.S.No.599 of 2018, pending on the file of Sub Court, Tiruchirappalli.

For Petitioner : Mr.K.Govindarajan

For Respondents : No appearance for R1 to R9

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Tiruchirappalli, to dispose of the case in I.A.No.320 of 2018 in O.S.No.599 of 2018, on the file of the Subordinate Court, Tiruchirappalli.

2. The learned counsel for the revision petitioner would submit that the respondents/plaintiffs have filed a money suit against the revision petitioner/defendant in O.S.No.599 of 2018 on the file of the Subordinate Court, Tiruchirappalli, for declaration and permanent injunction; declaring that decree and judgment passed in O.S.No.101 of 2002 dated 05.04.2016 on the file of District Munsif of Musiri is null and void and not binding on the plaintiffs; directing the defendant to pay costs. Thereafter, the respondents/plaintiffs have filed I.A.No.320 of 2018 seeking temporary injunction restraining the revision petitioner/defendant, their men, agents etc., from in any manner interfering with respondents/plaintiffs peaceful possession by way of proceedings under any suit and also for an ad-interim ex-parte order of injunction to the above effect till the disposal of the petition.

3. It is further stated that the petitioner has got a decree in O.S.No.101 of 2002 for the very same suit property. The said decree was implemented through E.P.No.14 of 2016 and by the proceedings of



RDO, Musiri dated 23.04.2018. The present suit in O.S.No.599 of 2018 has been filed after the above developments. The grievance of the petitioner is that, the trial Court ought to consider the interim application without further adjournments and the revision petitioner being the respondent had filed counter affidavit in the said interim application. Hence, the petitioner is constrained to move the present revision petition before this Court for getting early disposal of the interim Application in I.A.No.320 of 2018 in O.S.No.599 of 2018.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court. Though the respondents were served with notice, they have not appeared before this Court either personally or through counsel.

5. Considering the facts and circumstances of the case, this Court feels that ends of justice would be met by directing the Court below to dispose the interim application within a time frame. Accordingly, without adverting to the merits of the case, a direction is issued to the learned Subordinate Judge, Tiruchirappalli, to dispose of the application in I.A.No.320 of 2018 in O.S.No.599 of 2018, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Subordinate Court, Tiruchirappalli.

2.The Section Officer, (2C)

VR Section, Madurai Bench of Madras High Court, Madurai.

Copy to

The Registrar Judicial,

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-3173[F] dated 04/02/2021)

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NA (CO)

KB(15.02.2021) 2P 6C

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