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C.R.P.(NPD).No.1445 of 2022 and
C.M.P.No.7471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(NPD).No.1445 of 2022 and
C.M.P.No.7471 of 2022

1.Rathinam

2.Fathima

3.Pushparani

4.Sowrinayagarajan

... Petitioners

Vs.

Periyanayagam

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree made in C.M.A.No.5 of 2019, on the file of the Principal Subordinate Judge, Kallakurichi dated 08.10.2021, reversing the order and decreetal order made in I.A.No.589 of 2018 in O.S.No.97 of 2018, on the file of the Principal District Munsif Court, Kallakurichi.

For Petitioners : Mr.V.Balamurugan



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ORDER

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This civil revision petition has been preferred to set aside the judgment and decree made in C.M.A.No.5 of 2019, on the file of the Principal Subordinate Judge, Kallakurichi dated 08.10.2021, reversing the order and decreetal order made in I.A.No.589 of 2018 in O.S.No.97 of 2018, on the file of the Principal District Munsif Court, Kallakurichi.

2. The petitioners are the defendants in the suit. The suit has been filed for partition in respect of the suit properties. During the pendency of the suit, the respondent / plaintiff has filed a petition in I.A.No.589 of 2018, to restrain the petitioners/defendants from putting up construction in the suit properties. Despite ad-interim injunction was granted, that was later vacated on 13.09.2019. Aggrieved over that, the respondent/plaintiff has preferred C.M.A.No.5 of 2019 and the said civil miscellaneous appeal was allowed. Now, the petitioners have challenged the said order by preferring this civil revision petition.

3. Now, it is reliably understood that the suit has reached the stage of trial and there is scope for early disposal of the suit itself. In such view of the



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matter, I feel that the parties can agitate their interest by actively participating in the early trial of the suit.

4. Hence, this civil revision petition is dismissed with a direction for disposal of the suit within a period of three months from the date of receipt of a copy of this order. It is also made clear that the suit may be disposed of, without getting influenced by any of the observations made by the learned Principal Subordinate Judge, Kallakurichi, in C.M.A.No.5 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2022

Index: Yes/No
Speaking / Non Speaking Order
gsk

To

- 1.The Principal Subordinate Judge,
Kallakurichi
- 2.The Principal District Munsif Court,
Kallakurichi.



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R.N.MANJULA, J

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