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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.1218 of 2022
& CMP.No.6555 of 2022

1.Ratsons Enterprises,
A Partnership Firm Rep. by its
Partner Dr.R.Jagan.

2.Dr.R.Jagan
3.R.Thamarai Selvam
4.Dr.R.Revathy Selvan
5.Dr.J.Vijay Karthik ... Petitioners

Vs

1.S.R.Dakshinamurthy
2.D.Sivakumar
3.The Joint - I Sub Registrar,
Coimbatore. ...Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order dated 13/11/2019 in I.A.No.1 of 2019 in O.S.No.205 of 2017 on the file of the Principal Subordinate Judge's Court, Coimbatore.

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For Petitioner : Mr.C.R.Prasanan
For R3 : Mr.P.Harish,
Government Advocate

O R D E R,

The plaintiffs/revision petitioners have filed a suit for declaration, that a Will, dated sometime in 1993, is genuine, on the basis of which, the plaintiffs claim absolute title to the said property and there are other ancillary relief as well. The trial of the suit is stated to have commenced now. Be that as it may, the plaintiffs have come out with an Application in I.A.No.1 of 2019 for impleading the concerned Sub Registrar as an additional defendant. This Application came to be dismissed by the trial Court on the ground that the Sub Registrar is a Statutory Office and that he need not be impleaded, as he is required to perform only his statutory functions. This order of the trial Court is now being challenged.

2.Heard the learned counsel for the revision petitioners.

3.This Court does not find any illegality or impropriety in the approach of the trial Court and wonder why this Application at all came to be filed in a suit

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for declaration.

4.The learned counsel for the revision petitioners submitted that the plaintiffs have also taken out I.A.No.236 of 2017 for protecting the plaintiffs' peaceful possession of the suit property and I.A.No.237 of 2017 for an injunction against the defendants, restraining them from alienating the suit property. The learned counsel further submitted that no order was passed in these two Applications

5.Inasmuch as the trial of the suit has commenced, it is now important the trial Court disposes of the suit at the very earliest. Having stated thus, it is also imperative on the part of the trial Court to have disposed of the Applications for interim injunction in a certain way, lest it may alter the *status quo* vis-a-vis the cause of action in the suit.

6.The trial Court/Principal Subordinate Court, Coimbatore is now directed to dispose of the suit within a period of two (2) months from the date of receipt of a copy of this order, at any rate, not later than July, 2022.

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7.The Civil Revision Petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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

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To

The Principal Subordinate Court,

Coimbatore.

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N.SESHASAYEE, J.,

Tsg

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