



C.R.P.(PD) No.2120/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

**C.R.P.(PD)No.2120 of 2022
and
CMP.No.10938 of 2022**

Lieutenant Colonel Sandeep Dewan (Veteran)

S/o Major General A.K.Dewan,(Veteran) ...

Petitioner

Vs.

M/s. Ootacamund club
rep.by its President

...

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the petition and docket order in I.A.No.2 of 2022 in OS.No.65 of 2022, Order dated 28.06.2022 on the file of the District Judge of the Nilgiris at Uthagamandalam.

For Petitioner : Mr.Adarsh Ramanujan

ORDER

This Civil Revision Petition has been preferred seeking a direction against the Docket Order dated 28.06.2022 passed by the learned Trial Judge, Nilgiris at Uthagamandalam.



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2. The revision petitioner is the plaintiff. The suit is filed for declaration and permanent injunction. Along with the suit, a petition in I.A.No.2/2022 has also been filed for seeking interim orders. The said interim application has been posted to 25.07.2022. Aggrieved over the said order, this Civil revision Petition is filed.

3. The learned counsel for the petitioner submitted that despite there is an urgency in the matter the learned Trial Judge had chosen to adjourn the case to 28.08.2022. It is further submitted that before the hearing date, if any adverse order is passed against the plaintiff by the defendant's club that would render the case itself infructuous.

4. Before rushing to this Court it would have been ideal if the revision petitioner has filed a petition before the trial Court itself to advance the hearing by stating the urgency in the matter. An Interim Application has also been filed along with the main Civil Revision Petition seeking for an order of stay in respect of the subject matter of the suit. What has to be canvassed before the trial Court for getting a judicial order on appreciation of facts,



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cannot be directly taken to this Court. However the parties are at liberty to file an application to advance the hearing and get the adjudicating before the trial Court.

With the above observations, this Civil Revision Petition is **disposed**.

No costs. Consequently, connected miscellaneous petition is closed.

08.07.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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R.N.MANJULA, J.,

jrs

- To
1. The District Judge of the Nilgiris,
Uthagamandalam.
 2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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