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C.R.P (MD) No.1036 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1036 of 2022

G.Suresh

... Petitioner

Vs

1.Vinukumar

2.Fedreal Bank Limited
represented by the Senior Manager,
Kulasekharam,
Thiruvattar Village,

3.T.Dalles

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, directing the District Munsif, Padamanabapuram to dispose of the suit in O.S.No.81 of 2017 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : No appearance

No.1

For Respondent : Mr.N.Dilip Kumar

No.2

For Respondent :Mr.K.P.Narayanakumar

No.3



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ORDER

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2.The learned Counsel for the petitioner submits that the first respondent has filed the suit in O.S.No.81 of 2017 for permanent injunction restraining the defendants from evicting him forcibly. The first defendant is filing one interlocutory application after the other and dragging on the case. Therefore, the petitioner has filed this petition.

3.The learned Counsel for the second respondent submits that the suit itself is not maintainable in view of Section 34 of SARFEASI Act. However, the trial Court has entertained the suit and is pending for the past five years.

4.Considering the rival submissions made on either side, the civil revision petition is disposed of with a



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direction to the learned District Munsif, Padamanabapuram to dispose of the suit in O.S.No.81 of 2017 by framing necessary issue with regard to the maintainability of the suit, within a period of eight months from the date of receipt of a copy of this order. No costs.

21.07.2022

dsk

To

The District Munsif,
Padmanabhapuram.



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B.PUGALENDHI, J.

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