



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

REV. APLC. (MD)No.160 of 2019

in

C.R.P. (MD) .No.72 of 2019

Thangamani

.. Review Petitioner/3rd Respondent

Vs.

Meenakshiammal (died)

1.G.Thangavel

.. 1st Respondent / Petitioner

2.The Special Tahsildhar,
(Land Acquisition),
Chettinaickenpatti Scheme,
Dindigul.

3.Ganesan

.. Respondents 2 & 3 /Respondents 1 & 2

PRAYER : Review Application filed under Order 47 Rule 1 r/w Section 114 of the Civil Procedure Code, against the order dated 22.01.2019 passed in C.R.P. (MD)No.72 of 2019 by this Court.

Prayer in CRP(MD) . 72/ 2019 :

This Civil Revision Petition filed under Article 227 of Constitution of India, praying this Court, to direct the learned Principal Subordinate Judge, Dindigul to dispose the I.A.No.26 of 2013 in L.A.O.P.NO.44 of 1990 pending on his file within a stipulated time.

For petitioner : Mr.H.Lakshmi Shankar

For 1st respondent : Mr.V.Malaiyendran

For 2nd & 3rd respondents : No appearance

ORDER

This review application has been filed by the revision respondent against the order, dated 22.01.2019,
<https://hcservices.courts.gov.in/hcservices/>



passed by this Court in C.R.P.(MD).No.72 of 2019.

2. The learned counsel appearing for the petitioner/3rd respondent in the revision petition submitted that the first respondent herein has filed the revision petition for a direction to the Court below to dispose of the cheque application in I.A.No.26 of 2013 in L.A.O.P.No.44 of 1990 within a stipulated time and considering the long pendency of the matter, this Court, without issuing notice and without going into the merits of the case, directed the Court below to dispose of the said application within a period of two months from the date of receipt of the order. He would further submit that the application filed by the petitioner/3rd respondent in I.A.No.128 of 2018 seeking stay of the proceedings in I.A.No.26 of 2013 is already pending and the same has been suppressed by the first respondent/revision petitioner in the revision petition and that the first respondent/revision petitioner is now pressing for enquiry only in the cheque application without getting the stay application to be disposed of on merits.

3. The learned counsel appearing for the first respondent/revision petitioner submitted that he has no objection in deciding the stay application in I.A.No.128 of 2018 firstly and then, I.A.No.26 of 2013 may be disposed of, if necessary.

4. Admittedly, there is no error apparent on the face of the record in the order dated 22.01.2019. It is the apprehension of the petitioner/3rd respondent in the revision petition that since a direction has been issued by this Court in the revision petition to dispose of I.A.No.26 of 2013 within a stipulated time, his application for stay of the proceedings in I.A.No.26 of 2013 would not be decided or disposed of by the Court below. Though the first respondent/revision petitioner has not brought to the notice of this Court about the pendency of the stay application in I.A.No.128 of 2018, it is needless to say that it is the duty of the Court below to firstly decide the stay application in I.A.No.128 of 2018 in I.A.No.26 of 2013 on merits and then, to decide I.A.No.26 of 2013.

5. Now, the learned counsel appearing for the review petitioner/3rd respondent and the first respondent/revision petitioner submitted that they have no objection in deciding the stay application firstly on merits by the Court below. It is seen that the counter affidavits have already been filed to the said interim applications. The time limit fixed by this Court in the revision petition has already been expired.

6. In view of the above, this Court directs the Court below to dispose of the stay application in I.A.No.128 of 2018 firstly on merits within a period of two weeks from the date of receipt of a copy of this order and then, to decide I.A.No.26 of 2013, if necessary, on merits and in accordance with law, within a period of



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REV.APLC. (MD)No.160 of 2019

7. This review application stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

gcg

To

1.The Principal Subordinate Judge,
Dindigul.

2.The Special Tahsildhar,
(Land Acquisition),
Chettinaickenpatti Scheme,
Dindigul.

Copy to:

The Section Officer, (2 Copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.LAKSHMI SHANKER, Advocate (SR-90834[F] dated
01/10/2019)

+1 CC to M/s.V. MALAIYENDRAN, Advocate (SR-90987[F] dated
03/10/2019)

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C.R.P. (MD) .No.72 of 2019
01.10.2019

JMN(23.10.2019) 3P : 7C