



C.R.P PD(MD) No.1882 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 16.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.1882 of 2022 and
CMP(MD) No.8451 of 2022

Venkatesan

...Petitioner

Vs

1.Chellaram
2.Pitchaipillai
3.Rajamani
4.Murugan
5.Natarajan
6.Thiruppathi
7.Jothimani
8.Ramakrishnan
9.Ranjitham
10.Pappathi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Judgment and decree dated 16.10.2022 made in C.M.A.No.3 of 2020, on the file of the Additional District Judge (FTC), Theni by confirming the fair and Ex-order, dated 11.01.2019, made in I.A.No.58 of 2018 in O.S.No.21 of 2018, on the file of the Subordinate Court, Periyakulam.



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For Petitioner : Mr.K.Hemakarthiskeyan

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ORDER

As against the judgment and decree passed by the learned Additional District Judge (FTC), Theni in C.M.A.No.3 of 2020, dated 16.10.2022, confirming the order passed by the learned Subordinate Judge, Periyakulam, in I.A.No.58 of 2018 in O.S.No.21 of 2018, dated 11.01.2019, this Civil Revision Petition is filed.

2.The petitioner has purchased the suit second schedule property on 29.10.2004, which is subject matter of the suit in O.S.No.21 of 2018. The plaintiff filed an application in I.A.No.58 of 2018, under Order 39 Rule 1 of Civil Procedure Code, not to alienate the suit schedule property and the same was allowed by the trial Court on 11.01.2019. Aggrieved over the same, the petitioner has filed CMA No.3 of 2020, before the Additional District Court(FTC), Theni which was dismissed by the first Appellate Court on 16.10.2020. As against the



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concurrent findings of the Courts below, the petitioner is before this Court with the present Civil Revision Petition.

3.Today (16.0.2022), when the matter is taken up for hearing, it is reported that the revision petitioner has sold a portion of the property, when the order of attachment was in existence and in this regard, the petitioner is also facing contempt proceedings before this Court.

4.In view of the above, this Court is not inclined to entertain this Civil Revision Petition. However, considering the fact that the suit is of the year 2018, there shall be a direction to the trial Court to conclude the trial in O.S.No.21 of 2018, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.



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5. With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.09.2022

Index : Yes / No.

Internet : Yes / No.

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To

1. The Additional District Judge (FTC), Theni.

2. The Subordinate Court, Periyakulam.



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B.PUGALENDHI, J.

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