



C.R.P.(PD) (MD) No.1109 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD) (MD) No.1109 of 2016

and

C.M.P.(MD) Nos.5587 of 2016 & 6947 of 2018

1.V.S.Sankaran

2.V.S.Sambamoorthy

... Petitioners/Petitioners/
Plaintiffs 2 & 3

Vs

1.V.S.Krishnamoorthy

2.M/s.A.R.Venkitasamy Naicker & Sons,
Through its Shareholder,
A.R.V.Ramachandran,
17, Chinnaiah Palliguda Street,
Virudhunagar-1.

3.A.R.Venkitasamy Naicker (Died)

4.A.R.V.Jeyaraman

5.A.R.V.Jegannathan

6.A.R.V.Jegadeesan (Died)

7.A.R.V.Ramachandran

8.A.R.V.Jegadeesan & Co.,
Through its Proprietor, J.Vasanthi,
No.17, Chinnaiah Palliguda Street, Virudhunagar.



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9.M/s.A.R.V.Ramachandran & Co.,
Through its Proprietor,
A.R.V.Ramachandran,
Alagapuri Village,
Meesalur Post, Virudhunagar.

10.G.Vijayalakshmi

11.G.Janarthanan

12.J.Vasanthi

13.Kalavathi

14.Abarna

... Respondents/Respondents/
Defendants 1 to 13

[Respondents 1, 3, 4, 6, 10 & 11 given up]

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 07.04.2016 made in I.A.No.82 of 2016 in O.S.No.11 of 2006 on the file of the Sub Court, Virudhunagar.

For Petitioners : Mr.M.S.Suresh Kumar

For RR12 & 14 : Ms.P.Jessi Jeeva Priya

ORDER

This Civil Revision Petition has been filed challenging an order under which an application filed by the landlord under Section 10 of the Code of Civil Procedure to stay the suit has been dismissed.



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2. Plaintiffs 2 and 3 are the revision petitioners herein.

3. According to the learned counsel for the petitioners, the suit has been filed by the landlords for recovery of rental arrears from the tenant. The landlords had filed I.A.No.82 of 2016 to stay the proceedings on the ground that the revision petition arising out of fair rent fixation is pending before the High Court.

4. In view of the orders passed in C.R.P.(NPD)(MD) No.447 of 2006 dated 09.12.2022, I find that nothing survives in this Civil Revision Petition. The trial Court had rightly dismissed the Section 10 application. Hence, the said order is confirmed. The Civil Revision Petition is dismissed. The learned Subordinate Judge, Virudhunagar, is directed to dispose of O.S.No.11 of 2006 on or before 30.04.2023. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Internet:Yes
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R.VIJAYAKUMAR, J.

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To

- 1.The Subordinate Judge, Virudhunagar.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.

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09.12.2022