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C.R.P.No.2172 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2172 of 2019

R.Lakshmanasamy

.. Petitioner

VS

N.Ramasamy

.. Respondent

Petition filed under Article 227 of the Constitution of India against the Judgment and decree dated 14.03.2019 made in C.M.A.No.27 of 2018 on the file of the Principal District Court, Coimbatore reversing the Fair and Decreetal Order in I.A.No.120 of 2018 in O.S.No.46 of 2018 dated 07.09.2018 on the file of the Subordinate Judge, Pollachi.

For Petitioner : Mr.N.Krishnakumar
for M/s.Sarvabhauman Associates

For Respondent : Mr.S.Kamadevan

ORDER

O.S.No.46 of 2018 is the suit for declaration and injunction on the file of the Sub Judge, Pollachi. The subject matter of a suit property is a Cart track which has been referred to in the 'B' schedule mentioned property.



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2.The learned trial Judge after hearing arguments on either side, allowed I.A.No.120 of 2018 on 07.09.2018. The lower appellate Court reversed the same on 14.03.2019 in CMA.No.27 of 2018. The subject matter being a Cart track, if the same is obliterated pending disposal of the suit, serious prejudice will be caused to the parties. Therefore, the parties are directed to maintain status quo prevailing as on today with respect to the Cart track.

3.The learned Subordinate Judge, Pollachi is requested to take up the suit as, pleadings are complete and dispose of the same on or before 30.04.2024. I make it clear, I have not gone into the merits of the case. As the suit is pending from 2018, I give a direction that the main suit itself be disposed of to give a quietus to the entire issue.

4.This civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

1.The Principal District Court, Coimbatore.

2.The Subordinate Judge, Pollachi.



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V. LAKSHMINARAYANAN,J.

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