



C.R.P.No.4225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4225 of 2022 and
C.M.P.No.22142 of 2022

Subramani

..

Petitioner

vs

1. Muthusamy
2. Gowri
3. Senthilkumar
4. Malar
5. Jayanthi
6. Periannan
7. Manga
8. Madhaiyan
9. Lakshmi

..

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the fair and decretal order passed by the District Munsif Court, Dharmapuri dated 29.01.2020 made in I.A.No.428 of 2018 in O.S.No.43 of 2016 and to allow the interlocutory application as prayed for.



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For Petitioner : Mr.J.Pradeep

For Respondents : Mr.V.G.Senthilkumar
for respondent 1

No Appearance
for respondents 2 to 9

ORDER

The civil revision is filed against the fair and decretal order dated 29.1.2020 passed in I.A.No.428 of 2018 in O.S.No.43 of 2016.

2. The revision petitioner is the first defendant in O.S.No.43 of 2016, instituted by the respondent for declaration and permanent injunction. The revision petitioner also filed another suit in O.S.No.18 of 2016 for the relief for declaration and permanent injunction, which is also pending.

3. The learned counsel appearing for the petitioner states that the petitioner filed a suit in O.S.No.18 of 2016 at the first instance and the respondent filed O.S.No.43 of 2016, which is also for the same relief and



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therefore, the subsequent suit filed in O.S.No.43 of 2016 is to be stayed till the disposal of the suit filed by the petitioner in O.S.No.18 of 2016.

3. The Trial Court adjudicated the issues and made a finding that there are discrepancies in respect of the property details in both O.S.No.18 of 2016 and O.S.No.43 of 2016, therefore, the suit cannot be stayed and accordingly, the petition was dismissed.

4. Once the Trial Court found that there are some discrepancies in respect of the claim set out in the plaint in two different suits, then, stay of either of the suits cannot be considered and the suit is to be proceeded on merits and in accordance with law. Such interlocutory applications are filed by the parties in order to drag the proceedings one way or the other. By keeping the civil revision petition pending before the High Court, the parties are filing memo before the Trial Court and seeking adjournments for indefinite period and such procedures cannot be encouraged by the Courts. In the event of no such stay in the civil revision petitions by the High



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Courts, then the suits are to be proceeded with, on merits and in accordance with law and adjournments are to be granted only on genuine grounds and by recording such reasons.

5. Unnecessary adjournments sought for on flimsy grounds are to be rejected by imposing maximum costs. The idea of the parties for forum shopping or to drag on the proceedings are to be thwarted and the Courts are expected to be cautious in this regard. Interlocutory applications after applications are filed knowing the fact that there is no substance. Thus, the interlocutory applications, if filed with the motive to drag on the proceedings, then the Courts are expected to deal with such applications without any undue delay and if such ill-motives are established, maximum costs is to be imposed.

6. In the present case, the petitioner filed an interlocutory application in I.A.No.428 of 2018, which was kept pending for about two years unnecessarily, which would affect the disposal of the suit. This being the



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factum established, this Court do not find any infirmity in respect of the order impugned in the present civil revision petition.

7. Accordingly, the fair and decretal order dated 29.01.2020 in I.A.No.428 of 2018 in O.S.No.43 of 2016 is confirmed and subsequently, the civil revision petition is dismissed. Consequently, the connected miscellaneous petition is closed. There will be no order as to costs.

Speaking Order/Non-Speaking Order.

27.01.2023

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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To

1. The District Munsif Court, Dharmapuri.



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S.M.SUBRAMANIAM, J.

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