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C.R.P.No.3676 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.Nos.3675 & 3676 of 2022
and
C.M.P.Nos.19473 & 19479 of 2022

C.R.P.No.3675/2022

A. Rani

... Petitioner

Vs.

S.Boopathi

... Respondent

C.R.P.No.3675/2022

S.Sengottaiyan

... Petitioner

Vs.

S.Boopathi

... Respondent

Common Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 26.07.2022 in I.A.No.1 of 2021 in O.S.No.11 of 2021 and I.A.No.1 of 2021 in O.S.No.12 of 2021 on the file of the learned Subordinate Court, Uthangarai by allowing the Civil Revision Petition.

For Petitioner : Ms.Chitra Sampath,
Senior Counsel
for Mr.T.S.Baskaran [in both cases]

For Respondent : Mr.R.Raja Rajan [in both cases]



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COMMON ORDER

These Civil Revision Petitions are preferred against the docket orders dated 26.07.2022 passed in I.A.No.1 of 2021 in O.S.No.11 of 2021 and I.A.No.1 of 2021 in O.S.No.12 of 2021.

2. The revision petitioner in C.R.P.No.3675 of 2022 is the 1st defendant in O.S.No.11 of 2021 and the revision petitioner in C.R.P.No.3676 of 2022 is the 1st defendant in O.S.No.12 of 2021 were instituted by the respondent for declaration and permanent injunction. During the pendency of the Suits, the revision petitioners filed I.A.Nos.1 & 1 of 2021 seeking an interim injunction.

3. The learned counsel appearing on behalf of the revision petitioners mainly contended that I.A.Nos.1 & 1 of 2021 filed seeking for an interim injunction are kept pending for a long period, despite the fact that the learned counsel completed their arguments. When the orders are expected to be passed in Interlocutory Applications, the trial Court passed the docket orders stating that the Suits are ripe for trial and thus, the petitions are closed. Instead of deciding the Interlocutory Applications on merits, the Trial Court



closed the applications merely on the ground that the Suits are ripe for trial.

Taking undue advantage of the docket orders, which are impugned in the Civil Revision Petitions, the respondent is attempting to dispossess the revision petitioners and thus, the petitioners are before this Court.

4. The learned counsel for the respondent objected the said contention by stating that the Suits are pending from the year 2021 onwards and the Interlocutory Applications were filed by the defendants during the pendency of the Suits. The respondent is not threatening the revision petitioners as alleged in the present revision petition. Thus, the Civil Revision Petitions have to be dismissed.

5. Perusal of the proceedings of the Trial Court, it reveals that the Interlocutory Applications filed by the revision petitioners for grant of interim injunction were heard on several occasions and posted for arguments on the respondent side on 14.06.2022. Thereafter, on 26.07.2022, the applications were closed by assigning the reason that the Suits are ripe for trial. The Trial Court ought to have decided the Interlocutory Applications on merits instead it was closed merely on the ground that the Suits are ripe for



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trial, since an apprehension is raised by the revision petitioner that the respondent is threatening them from enjoying their peaceful possession.

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6. Thus, this Court is inclined to grant status quo to be maintained by the respondent/plaintiff, till such time the Suits are disposed. The Trial Court is directed to proceed with the Suits and dispose of the same as expeditiously as possible. Accordingly, these Civil Revision Petitions stand disposed of. Consequently, the connected Civil Miscellaneous Petitions are closed. No costs.

20.01.2023

rpl/mps

Index : Yes

Speaking order

To

The Subordinate Court, Uthangarai.



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S.M.SUBRAMANIAM, J.

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