



C.R.P.(PD)No.3621 of 2019 &
CMSA No.38 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD) No.3621 of 2019 and
C.M.S.A.No.38 of 2019 and
C.M.P.No.27302 of 2019

C.R.P.No.3621 of 2019

Govindasamy

.. Petitioner

Vs.

Baskaran @ Pulavar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 01.02.2018 made in I.A.No.29 of 2017 in C.M.A.SR.No.4980 of 2017 on the file of the Sub Court, Jayankondam, condoning the delay of 975 days in filing CMA against the order passed in I.A.No.1307 of 2013 in O.S.No.27 of 2013 on the file of the Civil Court at Jayankondam.

C.M.S.A.No.38 of 2019

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Govindasamy

.. Appellant

Vs.

Baskaran @ Pulavar

.. Respondent

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 100 of C.P.C., against the fair and decretal order dated 31.07.2019 in C.M.A.No.5 of 2018 on the file of the Sub Court, Jayankondam, reversing the fair and decretal order dated 27.10.2014 made in I.A.No.1307 of 2013 in O.S.No.277 of 2013 on the file of the District Munsif Court at Jayankondam.

In both CRP and CMSA

For Petitioner/Appellant	:	Mr. R.Manickavel
For Respondent	:	Mr.P.Vijayakumar for Mr.N.Rajavannian

COMMON ORDER



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The civil revision petitioner before me is the plaintiff in O.S.No.277 of 2013. Pending the suit, he moved an application in I.A.No.1307 of 2013 for an order of interim injunction under Order XXXIX Rule 1 and 2 of C.P.C. The learned trial Judge was pleased to grant an order of injunction.

2. Against the order of injunction, the respondent before me preferred C.M.A.No.5 of 2018. The said appeal was filed with a delay of 975 days in preferring the appeal. Therefore, application in I.A.No.29 of 2017 was filed. The said application was allowed by a mechanic order dated 01.02.2018.

3. Against the said order, C.R.P.(PD)No.3621 of 2019 has been preferred. After hearing the parties, the appeal in C.M.A.No.5 of 2018 itself was allowed dismissing the injunction application. Against the order and decretal order in C.M.A.No.5 of 2018, dated 31.07.2019,



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WEB COPY C.M.S.A.No.38 of 2019 has been preferred.

4. Heard Mr.R.Manickavel and Mr.P.Vijayakumar, the learned counsels for the respective parties. I have carefully perused the entire records.

5. At the outset, I asked Mr.R.Manickavel as to the present state of the proceedings. Mr.R.Manickavel submitted that the trial has commenced, P.W.1 has been examined in full and the matter is posted for evidence on the side of the defendants. Much water has flown after the order has been passed by the District Munsif, Jayankondam. Therefore, I do not want to interfere with the order and upset the matters, which have been settled.

6. I have to take note of the fact that this Court by an order dated 19.12.2019 had directed the parties to maintain the status quo until further orders.

7. Considering the over all circumstances, both the Civil Revision



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Petition and Civil Miscellaneous Second Appeal are disposed of with a direction to the learned District Munsif, Jayankondam, to expedite the suit in O.S.No.277 of 2013 and dispose of the same within a period of four months from the date of receipt of a copy of this order. The parties as directed by this Court on 19.12.2019 are directed to maintain the status quo till the disposal of the suit. No costs. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No

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To

1. The Subordinate Judge, Jayankondam.
2. The District Munsif, Jayankondam.

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V.LAKSHMINARAYANAN,J.

Kj

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