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C.R.P.No.3619 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.3619 of 2017
and CMP.No.16913 of 2017

N.Ramalingam

.. Petitioner/Petitioner/Appellant /
Respondent / Defendant

Vs

Velmurugan

.. Respondent/Respondent/Respondent
Petitioner / Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India filed against the order and decretal order in I.A.No.4 of 2017 in CMA.No.1 of 2017 on the file of Principal Subordinate Court, Vridhachalam dated 28.03.2017.

For Petitioner : Mr.V.Srimathi
For Respondent : Mr.T.Girish
for Mr.T.K.Bhaskar

ORDER

A suit was laid for declaration of title and for certain ancillary relief of injunction. Alongside the suit, the plaintiff has taken out an application in I.A. No.359 of 2015 for an order of interim injunction, as the defendant was



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about to make certain construction. The trial court passed an order of *status quo* without clarifying the nature of *status quo*. Challenging the said order of *status quo*, the defendant has preferred a civil miscellaneous appeal in C.M.A. No.1 of 2017 and had taken out an application in I.A. No.4 of 2017 for suspending the order of *status quo* passed by the trial court in I.A. No.359 of 2015, that was dismissed. Challenging the said order, the defendant has preferred this revision.

2. To sum up what this CRP has now achieved is to keep the suit for declaration of title in O.S. No.173 of 2015 pending on the file of the trial court for 8 years now and also C.M.A. No.1 of 2017. It is time that the trial of the case gets kick started and this court has little patience to see the pendency of the suit merely because the defendant is fascinated about keeping the CRP pending.

3. The CRP now requires to be kept pending essentially because the respondent has not been served with papers in CRP for the last six years.

4. This Court understands that CMA.No.1/2017 is still pending and this Court now requires the appellate Court to dispose of the CMA within a



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fortnight i.e., on or before 17.04.2023. This Court also required the trial

Court to expedite the trial when pleadings are complete.

5. Subject to the above observation, this revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.03.2023

Index : Yes / No

Speaking Order / Non-speaking Order
ds

Note : Issue order copy on 31.03.2023.

To:

1.The Principal Sub Judge
Vridhachalam.

2.The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE.J.,

ds

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