



C.R.P.No.4265 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.4265 of 2017
and
C.M.P.No.20006 of 2017

Arumugam

.. Petitioner

vs

1.A.M.P.A.Valliammai Achi
2.A.PL.Nachammai
3.A.M.P.A.Palaniappan

.. Respondents

Petition filed under Article 227 of the Constitution of India to set aside order dated 23.12.2014 in C.M.P.No.1630 of 2014 in C.M.A.No.155 of 2014 on the file of III Additional City Civil Court, Chennai.

For Petitioner : Mr.S.Parthasarathy, Sr.Adv
for M/s.K.Alakendren Law Ass.

For Respondents : Mr.Madhu Prakash
for R3

ORDER

This revision is preferred against the order passed in C.M.P.No.1630 of 2014 in C.M.A.No.155 of 2014. The order passed on 23.12.2014 reads as follows:-



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*"Appellant called absent. No representation. Passed over 3.30 p.m.
Appellant counsel present. At request passed over 4.10 p.m
Appellants counsel present. Heard. Perused. In this stage the respondent is direct not to parking their vehicles and thereby interfering with the plaintiff / petitioners possession and enjoyment of the petition scheduled property pending disposal of suit. Issue notice to respondents by 5.1.15. Affidavit of service to be filed on or before 5.1.15. If otherwise or any deviation the order shall stand dismissed automatically. Call on 5.1.2015. Private notice permitted."*

2. All that the lower appellate court has done is that to have the interim arrangement pending disposal of the appeal. This order has been in force for the past nine years.

3. Mr.S.Madhu Prakash, learned counsel, who appears for the contesting respondent states that it is his client's property that is being put to use and the property does not belong to the appellant. That is the issue which has to be gone into on merits of the case.

4. I, therefore, direct the learned III Additional City Civil Court, Chennai to take up the C.M.A itself for disposal. Accordingly, C.M.A.No.155 of 2014 shall be disposed within a period of three months i.e., on or before 20.10.2023. Till the disposal of the appeal,



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the order granted by learned Judge shall continue. It is made clear that this Court has not gone into the merits of the case and it only confirms the interim arrangement between the parties, pending disposal of the appeal.

5. This civil revision petition stands disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

11.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

Note to Registry : Issue copy of the order on 12.07.2023.

To

The III Additional City Civil Court,
Chennai.



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V. LAKSHMINARAYANAN,J.

ssm

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