



C.R.P.(MD)No.2688 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2688 of 2023

and

C.M.P(MD)No.14010 of 2023

Sengulathupatti Kannimarkovil,
Periyasamy Kovil, Vinayagar Kovil,
represented by its Poosari and
Trustee, Vendasandur Taluk,
Mullampatti, Kalathu Veedu,
S.Gopal

: Petitioner/Appellant/
Petitioner/Plaintiff

Vs.

Periyasamy

: Respondent/Respondent/
Respondent/Defendant

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to reverse and set aside the fair order and decretal order in C.M.A.No.3 of 2022 against I.A.No.287 of 2021 in O.S.No.260 of 2004 on the file of the Sub Court, Vendasandur Taluk, dated 22.06.2023.

For Petitioner : Mr.S.Ramesh



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ORDER

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The Civil Revision Petition is directed against the order passed in C.M.A.No.3 of 2022, dated 22.06.2023 on the file of the Sub Court, Vedasandur Taluk, confirming the order, dated 18.02.2022 in I.A.No.287 of 2021 in O.S.No.260 of 2004 on the file of the Principal District Munsif Court, Vedasandur Taluk, dismissing the petition filed under Order 39 Rule 1 and 2 of C.P.C.

2. The plaintiff has filed the suit against the respondent and other person, claiming the relief of declaration and for permanent injunction. During pendency of the suit, the plaintiff has filed an application in I.A.No.287 of 2021, claiming temporary injunction and the learned District Munsif, after conducting enquiry, has passed an order dated 18.02.2022, dismissing the petition and that the plaintiff has preferred an appeal challenging the dismissal of injunction petition in C.M.A.No.3 of 2022 and the learned trial Judge, upon considering the evidence available on record and on hearing the arguments of both sides, has passed the impugned order, dated 22.06.2022, dismissing the appeal and thereby confirming the order of dismissal passed by the trial Court.



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3. Admittedly, the suit is pending from 2004. As already pointed out, the petitioner has filed the injunction petition in the year 2021. It is seen from the records that the defendants have already filed the written statement and the suit is pending for trial.

4. Considering the above facts and circumstances of the case and taking note of the fact that the suit is pending from 2004, the learned trial Judge is hereby directed to complete the trial and dispose of the suit in O.S.No.260 of 2004 within a period of three months from the date of receipt of copy of this order. It is clarified that the trial Court has to proceed with the case uninfluenced by the observation made in the orders of the trial Court.

5. With the above observation and direction, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

30.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

1. The Judge, Sub Court, Vendasandur Taluk.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2688 of 2023
and
C.M.P(MD)No.14010 of 2023

Dated : 30.10.2023