



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Monday, the Sixteenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD). No.5035 & 5036 of 2018

and

C.R.P(MD)No.35 of 2017

K.Subramanian

... Petitioner/Petitioner
in both the petitions

Vs

1. Arunachalam
2. Shanmuganathan
3. Karupaiyah
4. Pethaperumal
5. Nagaraj

6. Indian Bank

Rep by its Manager, Rendampulikadu Branch,
Pattukottai Tk.

7. State of Tamilnadu

Rep by the Collector of Thanjavur,
Thanjavur.

... Respondents/Respondents
in both the petitions

Prayer in CMP.(MD)No.5636 of 2018:-

Civil Miscellaneous Petition filed under section 151 of C.P.C., Pleaded to stay the proceedings in O.S.No.100 of 2016 on the file of the District Munsif Court, Pattukottai by six months and pass such further or other orders as to this Honourable Court.



Prayer in CMP.(MD)No.5636 of 2018:-

Civil Miscellaneous Petition filed under section 151 of C.P.C., Pleased to modify the order passed by this Honourable Court in CRP(MD)No.35 of 2017 dated 27.02.2017 by permitting the petitioner (me) to construct the suit temple in O.S.No.100 of 2016 on the file of the District Munsif Court, Pattukottai.

Prayer in C.R.P(MD)No.35 of 2017:-

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 04.10.2016 passed by the District Munsif Court, Pattukottai in I.A.No.346 of 2016 in O.S.No.100 of 2016.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr. D.R. Murugesan, Advocate for the respondents 1 to 5 in both the petitions, and Mr. A. Baskaran, Additional Govt Pleader for the 7th Respondent in both the petitions and the petitioner not appearing either in person or by Advocate in the both the petitions and the 6th Respondent has not appeared either in person or by an Advocate in the both the petitions this Court made the following order:

These applications have been filed pursuant to the orders passed in the C.R.P.(MD)No.35 of 2017, on 27.02.2017.

2. The prayers sought for in the said Civil Miscellaneous Petitions are (i) to stay the proceedings in O.S.No.100 of 2016 on the file of the District Munsif, Pattukottai, by six months and (ii) to modify the order passed in C.R.P.(MD)No.35 of 2017, dated 27.02.2017, by permitting the petitioners in C.M.P., to construct the suit temple in O.S.No.100 of 2016, on the filed of the District Munsif, Pattukottai.



3. When the matters were heard on 10.10.2023, there was no representation for the petitioner and the matter was adjourned to 12.10.2023. On 12.10.2023, at the request of the learned counsel for petitioner, the petitions were listed today (16.10.2023), under the caption "for orders". Today also, there is no representation for the learned counsel for the petitioner.

4. The applications have been filed, after the disposal of the main Civil Revision Petition on 27.02.2017 itself. I am unable to see as to how these applications are maintainable in the first place. In any event, there is no representation for the learned counsel for the petitioner to justify the filing of the applications of the nature.

5. I do not find any merit in these petitions and the applications are not maintainable in the eye of law. Hence, these Civil Miscellaneous Petitions stand dismissed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)



TO

1. The District Munsif,
Pattukottai.
 2. The District Collector,
Thanjavur.
- Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

+ 1c.c. To M/s. D.R. Murugesan, Advocate SR.NO.47992

ORDER DATED : 16/10/2023

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ORDER

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CMP(MD). No.5035 & 5036 of 2018
and
C.R.P(MD)No.35 of 2017
Giving direction and etc.
as stated within.

MK/06.11.2023 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023