



C.R.P.(PD).No.339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.339 of 2023

Block Development Officer,
Ulundurpet Panchayat Union,
Ulundurpet District.

.. Petitioner

Versus

1. Anandan
2. Sengodi

3. Erayur Village Panchayat,
Rep. by its Secretary,
Ulundurpet Panchayat Union,
Ulundurpet Taluk & District.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Trial Court to dispose the O.S.No.37 of 2019 on the file of the Principal District Munsif, Ulundurpet, at the earliest.

For Petitioner : Mr.S.Gopinathan

For Respondents : Mr.M.Muruganantham,
for RR-1 and 2
: R3 - No Appearance

ORDER



C.R.P.(PD).No.339 of 2023

WEB COPY

This Civil Revision Petition seeks for a direction for expeditious disposal of O.S.No.37 of 2019 on the file of the Principal District Munsif Court, Ulundurpet.

2. O.S.No.37 of 2019 is a suit presented by the respondent Nos.1 and 2 herein seeking for a permanent injunction restraining the petitioner and the third respondent from interfering with the peaceful possession and enjoyment of B-schedule mentioned property. Pending the suit, the respondent Nos.1 and 2 moved an application for interim injunction in I.A.No.146 of 2019 and were successful in obtaining the order on 04.10.2019. The said order has become final.

3. Alleging that the interim order had been violated, the respondent Nos.1 and 2 moved I.A.No.4 of 2022 invoking the provisions of Order XXXIX Rule 2A of the Code of Civil Procedure. The civil revision petitioner has not filed a counter-affidavit in the said application, but, has approached this Court seeking for expeditious disposal of the suit.



C.R.P.(PD).No.339 of 2023

WEB COPY

4. When the Civil Revision Petition came up for admission before this Court, this Court called for remarks from the learned Principal District Munsif, Ulundurpet as to the reason why the suit is not being disposed of. This order was passed on 27.02.2023. The learned Principal District Munsif, Ulundurpet has sent his remarks to this Court. In the said remarks, he has stated that since I.A.No.4 of 2022 has been pending at the instance of the civil revision petitioner, he has not been in a position to take up the suit which is being adjourned as "trial not in the list".

5. Mr.M.Muruganantham, learned Counsel for the first respondent, filed a typed set of papers showing the extracts of the e-Court services. A perusal of the typed set of papers shows that the learned Principal District Munsif, Ulundurpet has been adjourning the matter from time to time awaiting the counter of the civil revision petitioner in I.A.No.4 of 2022.

6. When the interlocutory applications are pending, if I were to give a direction for disposal of the suit, it will not be appropriate. The first respondent has alleged that the civil revision petitioner has violated the orders of the Court. This requires an enquiry. By seeking a direction to



C.R.P.(PD).No.339 of 2023

WEB COPY

dispose of the suit, I get an impression that the civil revision petitioner wants to bypass any order being passed in I.A.No.4 of 2022. Therefore, in the light of the report filed by the learned Principal District Munsif, Ulundurpet and the e-Courts extracts, I feel that justice will be rendered to both the parties if I.A.No.4 of 2022 is disposed of within a time frame.

7. Though the relief is for disposal of the suit, I am inclined to direct the learned Principal District Munsif, Ulundurpet to dispose of I.A.No.4 of 2022 by granting two weeks time to the civil revision petitioner to file his counter and to pass orders in the application itself within six weeks thereafter. Depending upon the disposal of I.A.No.4 of 2022, the learned Judge is requested to take the suit for disposal.

8. This Civil Revision Petition is disposed of. No costs.

30.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



C.R.P.(PD).No.339 of 2023

WEB COPY

1. The Principal District Munsif,
Ulundurpet.
2. The Secretary,
Erayur Village Panchayat,
Ulundurpet Panchayat Union,
Ulundurpet Taluk & District.



WEB COPY



C.R.P.(PD).No.339 of 2023

V.LAKSHMINARAYANAN, J.

grs

C.R.P.(PD).No.339 of 2023

30.07.2024