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C.R.P.Nos.4717 and 1307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.Nos.4717 and 1307 of 2024

R.Anbalagan

... Petitioner in both CRPs

Vs

M/s.Ruby Builders and Promoters
Rep.by its Partner Mr.R.Manoharan
No.247-B, Velachery Main Road
Selaiyur, Chennai 600 073.

... Respondents

Prayer in C.R.P.No.4717 of 2024 : Civil Revision Petition under Article 227 of the Constitution of India to set aside the closure order 09.08.2023 in O.S.No.48 of 2020 and directing the learned Additional District Court, Chengalpattu to dispose the I.A.No.9 of 2023 on merit within the time fixed by this Court.

Prayer in C.R.P.No.1307 of 2024 : Civil Revision Petition under Article 227 of the Constitution of India directing the learned Additional District Court, Chengalpattu to dispose the I.A.No.9 of 2023 in O.S.No.48 of 2020 within the time fixed by this Court.

COMMON ORDER

As the civil revision petition in CRP No.4717 of 2024 revolves on a very narrow compass, I requested Mr.Kannan to serve the entire papers on the counsel representing the contesting respondent in C.R.P.No.1307 of 2024.

2. Mr.Venkatasamy Babu has entered appearance for the respondent.

3. O.S.No.48 of 2020 is a suit for declaration of title and for consequential relief of injunction. Pending the suit, the plaintiff took out an



C.R.P.Nos.4717 and 1307 of 2024

application seeking an order of interim injunction restraining the defendant / respondent herein from in any manner dealing with or creating encumbrance over the suit schedule mentioned property.

4. Pleadings were completed and the matter was taken up for arguments. The learned Additional District Judge at Chengalpattu heard the arguments of the petitioner as early as on 16.10.2023. Thereafter, the matter was adjourned for the arguments of the respondent. The respondent arguments were also heard on 02.11.2023 and orders were reserved. Thereafter, the matter was adjourned from 08.11.2023 till 09.08.2024 for the purpose of pronouncement of orders. On 09.08.2024, the learned trial Judge closed the application, by passing the following order:

“ Issues framed today. Without prejudice to the contentions raised by the parties to the petition, this petition is closed.”

5. Hence this revision.

6. I heard Mr.V.Kannan for the petitioner and Mr.Venkatasamy Babu for the respective parteis.

6. After hearing the arguments closing a petition is not accordance with the Civil Procedure Code or the practice of the Court. As the party is entitled to know, what is the fate of the application, closing of the application after arguments is neither here nor there. When the Court had reserved the



C.R.P.Nos.4717 and 1307 of 2024

orders as early as in November 2023, to close the petition after nearly one year, cries out for interference. I am informed by both sides that the very same learned Judge is holding office. Therefore, the impugned order is set aside.

7. Mr.Kannan states he filed an application on the apprehension that the respondent would alienate or encumber the property. Mr.Venkatasamy Babu states that for the very same relief earlier an application was filed and that application too was closed. These are matters which have to be addressed by the learned Judge at the time of pronouncing the order.

8. Therefore, I am inclined to set aside the order of the learned trial Judge dated 09.08.2024. The learned Judge shall pass orders in I.A.No.9 of 2023, which had been reserved for pronouncement of orders on 08.11.2023. With the above direction, both the civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2024

Index: Yes/No
Neutral Citation : Yes/No
KST

To

The Additional District Judge
Chengalpattu



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C.R.P.Nos.4717 and 1307 of 2024

V.LAKSHMINARAYANAN, J.

KST

C.R.P.Nos.4717 and 1307 of 2024

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