



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

C.R.P(NPD)(MD)No.761 of 2016

and

C.M.P(MD)No.3773 of 2016

Saravanan @ Sakthi Saravanan

... Petitioner/Respondent/
Petitioner/Plaintiff

.Vs.

1.G.Mathivanan

2.M.Kamini

... Respondents/Appellants/
Respondents 1 and 4/Defendants
15 and 18

3G.Ilangovan

4.I.Shanthi

...Respondents/Respondents 2 and 3/
Respondents 2 and 3/Defendants

(R3 and R4 given up as set aside)

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code praying this Court to call for the records relating to the impugned fair and decretal order made in C.M.A.No.14 of 2013, dated 17.12.2015, on the file of the



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I Additional District Judge, Madurai reversing the fair and decretal order made in I.A.No.253 of 2013 in O.S.No.349 of 1995, dated 29.4.2013, on the file of Principal Sub-Judge, Madurai and to set aside the same.

For Petitioner : Mrs.S.Mahalakshmi
for M/s.R.Hemalatha

For Respondents : Mr.J.Barathan
1 and 2

ORDER

This Civil Revision Petition is filed seeking to set aside the impugned fair and decretal order made in C.M.A.No.14 of 2013, dated 17.12.2015, on the file of the I Additional District Judge, Madurai reversing the fair and decretal order made in I.A.No.253 of 2013 in O.S.No.349 of 1995, dated 29.4.2013, on the file of Principal Sub-Judge, Madurai.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is submitted by the learned counsel appearing on either side that the suit is pending at the stage of examination of the defendants' side



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witness. Therefore, it is clear that the suit is in the advanced stage. Even the order passed by the Ist appellate Court while allowing the C.MA and dismissing the injunction application filed by the plaintiff, has elaborately taken into consideration of all the various aspects and ultimately hold that the trial Court has not considered the material factor to decide the application filed under Order 39 Rule 1 and 2 of Civil Procedure Code. This Court could not find any perversity or irregularity in the order passed by the Ist appellate Court and hence do not want to make any interference in the said order. It is pertinent to make a mention here that any transaction that had taken place during the pendency of the suit, is subject to Section 52 of the Transfer of Property Act.

4. In view of the above, the Civil Revision Petition is dismissed. There is no order as to costs. Consequently connected Miscellaneous Petition is closed.

5. Further, this Court has already directed the trial Court to dispose of the main suit in a time bound manner, even in the year 2014. It is seen that the suit is still pending, due to the pendency of the above C.R.P and other proceedings. Since the suit is of the year 1995, the trial Court is directed to give



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priority to the suit and dispose of the same within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the trial Court for the early disposal of the above suit.

02.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1. Ist Additional District Judge,
Madurai.
2. The Principal Sub-Judge,
Madurai.
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

vsn

ORDER MADE IN

C.R.P(NPD)(MD)No.761 of 2016
and
C.M.P(MD)No.3773 of 2016

02.02.2024