



C.R.P.(MD)No.2687 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2687 of 2024
and
C.M.P.(MD)No.15359 of 2024

N.Seenivasan

... Petitioner/Petitioner /Appellant

Vs.

S.Mahendhiraraj

... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the fair and decretal order passed in I.A.No.5 of 2023 in A.S.No.2 of 2022 on the file of the Sub Court, Sathur, dated 20.09.2024.

For Petitioner : Mr.H.Arumugam

ORDER

Heard the learned counsel appearing for the revision petitioner. Issuance of notice to the respondent is dispensed with.

2. The revision petitioner figured as defendant in O.S.No.41 of 2014 on the file of the District Munsif Court, Sattur. In the said suit, the respondent



C.R.P.(MD)No.2687 of 2024

herein sought the relief of declaration and permanent injunction. The suit was decreed. The counter claim was dismissed vide Judgment and decree dated 06.06.2019. Challenging the same, the petitioner herein filed A.S.No.2 of 2022 before the Sub Court, Sattur. The case of the revision petitioner is that the jurisdictional Tahsildar recommended to the RDO for rectification of the revenue record. The RDO however took the stand that only after disposal of the civil suit, he can look into the matter. The revision petitioner is caught in a bind. His success in the civil proceedings would depend upon the revenue record. Therefore, the revision petitioner has filed W.P.(MD)No.18623 of 2023 challenging the stand of the RDO and seeking correction of the revenue record in the light of the recommendation made by the jurisdictional Tahsildar. Citing the pendency of the writ petition, the petitioner herein filed I.A.No.5 of 2023 before the Sub Court, seeking stay of the appeal proceedings filed by him. The court below vide order dated 20.09.2024 dismissed IA. Challenging the same, this civil revision petition came to be filed.

3. There is some merit in the contention of the learned counsel appearing for the revision petitioner. But then, I will not be justified in calling upon the court below to wait for an indefinite period of time. It is for the petitioner to get the writ petition speedily disposed of. In order to give breathing time to the



C.R.P.(MD)No.2687 of 2024

petitioner herein, I direct the Sub Court, Sattur to keep A.S.No.2 of 2022 on hold without taking up 'for final disposal' for a period of four months from today. It is for the petitioner herein to expedite disposal of the writ petition in the meanwhile.

4. The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The Sub Court, Sathur.



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C.R.P.(MD)No.2687 of 2024

G.R.SWAMINATHAN, J.

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C.R.P.(MD)No.2687 of 2024

25.10.2024