

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM**

PRESENT: Tmt. S.SUGANIYA SRI B.A.B.L (Hons), M.L., PGDAML

ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

TUESDAY, THE 22<sup>ND</sup> DAY OF AUGUST 2023

**IA.NO.671/2022 IN OS.40/2018**

1. Ramasamy

2. Arumugam

..... Petitioners/Plaintiffs

/Vs/

1. Krishnamoorthi

2. Arumugam

3. B.D.O.Panchayat Union,  
Portonovo

4. Balakrishnan

....Respondents/plaintiffs

|                    |                                                                                                                                                                                                                             |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners    | Thiru.K.Ramadoss, Advocate                                                                                                                                                                                                  |
| Respondents No.1,2 | Thiru.D.Mahesh, Advocate                                                                                                                                                                                                    |
| Respondent No.3    | Thiru.K.S.Elangovan, Advocate<br>Exparte in the petition.                                                                                                                                                                   |
| Respondent No.4    | Exparte in the suit                                                                                                                                                                                                         |
| Relief Claimed     | Petition filed under Section 151 of CPC to stay all further proceedings in the suit until the petitioner files the CRP before Hon'ble High Court, Madras against the order of this court in IA.No.430/2018 dated: 7.11.2022 |
| Final Hearing      | 25.7.2023                                                                                                                                                                                                                   |

Upon hearing both side arguments and on perusal of the entire records and having stood over for consideration till this day, this court delivers the following

**ORDER**

1. Heard the both sides learned Counsels. Material records perused. This is the suit filed for the relief of declaration and recovery of possession. Immediately after the filing of suit, the petition under Order 26 Rule 9 of CPC was filed vide I.A.No. 430/2018. The said petition was dismissed on merits on 7.11.2022. Subsequent to which, when the suit was posted for trial, this petition is filed under Section 151 of

CPC to stay the further proceedings of suit until the plaintiff prefers Civil Revision petition before Hon'ble High Court of Madras. During the enquiry, the Learned counsel for petitioner has stated that the copy application for the said order of this court in I.A.No.430/2018 was already been obtained. The order was passed on 7.11.2022. Therefore, according to this court, the petitioner was already granted sufficient time to approach the Hon'ble High Court, Madras for filing Civil Revision Petition. Furthermore, the suit pertains to the year 2018. While being so, this court is of the view that there is no substantial loss shown by the petitioner and if this petition is allowed again it would cause further delay. Hence, for the aforementioned reason this court is of the view that there are no merits in this petition as such if the suit is not progressed then irreparable injury will be caused to both parties. Hence, this court is not inclined to allow this petition.

**In the result, this petition is dismissed. No costs.**

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me, in the open court, on this day, the 22<sup>nd</sup> day of August 2023.

(Sd/-S.Suganiyasri)  
Additional District Munsif,  
Chidambaram.

**List of witnesses and documents on the side of the petitioners:**

NIL

**List of witnesses and documents on the side of the respondents:**

NIL

(Sd/-S.Suganiyasri)  
Additional District Munsif,  
Chidambaram.