

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM
KANCHEEPURAM DISTRICT**

**PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram**

On Tuesday, this the 12th day of March 2024

IA.No. 06 of 2024

in

O.S.No. 100 of 2011

1. T.Theeran

2. T.Vasan

...Petitioners/Plaintiffs

/Versus/

1. C.Rathina Kumar

2. R.Balamurugan

3. C.Murugan

4. A.Chellamani

5. T.Anbalagan

6. Usharani

7. Raja

8. M.A.Jayakrishnan

...1,5,6&7 Respondents/1,5,6&7 Defendants

This petition has come up on 04.03.2024 for final hearing before me in the presence of Thiru.M.Madanagopal, advocate for the petitioners and Tmt.Revathy Vasudevan, advocate for the respondents and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed to stay the operation of the decreetal order and fair order and further proceedings in the case for the period of 3 months to enable them to prefer a revision against the said orders and till they get the suitable order from the concerned court.

2. **The case of the Petitioner as stated in his affidavit is as follows:-**

The petitioner had filed I.A No.5 of 2023 in the case to reject the Ex.B1 to Ex.B4 which were marked in the case by the 1st respondent / 1st defendant as irrelevant or otherwise inadmissible in the case on 13.04.2023 and the petition had been dismissed on 21.11.2023 by this Hon'ble Court. The petitioner preferring an appeal against the order and the petitioner had applied for granting certified copies of the decreetal order and fair order in I.A No. 5 of 2023 on 22.11.2023 (G.No. 3800 / 2023). The copy section will take minimum 3 months time to furnish the copies of the decreetal order from today 22.11.2023 and fair order in I.A No.5 of 2023 in the case. Further the case is posted to 29.11.2023 for cross examination of Dw1. Hence, it is just and necessary to stay the operation of the decreetal order and fair order in I.A No.5 of 2023 further proceedings in the case for the period of 3 months to enable the petitioner to prefer a revision against the orders in the High Court of Judicature at Madras and till the petitioner get the suitable order from the concerned court. Hence this petition.

3. **The respondent filed his counter and the gist of the same is as follows:-**

The respondent submits that the case is pending from the year 2011 and the only intention to file this petition to stay the operation of fair order and further proceedings of I.A No. 5 of 2023 by the petitioner is just drag on the proceedings.

4. The petition was filed before this Hon'ble Court on 23.11.2023 and even as prayed by the petitioner a period of 3 months is over and the respondent is always ready and willing to proceed with the case.
5. The 1st respondent / 1st defendant (Dw1) who has to be cross examined by the petitioner herein, is a blind person and aged person and it is further submitted that keeping in mind the health condition of the respondent and the case which is pending for long period. Hence, this petition may be dismissed.
6. The point for consideration in this petition is whether this petition is to be allowed or not.

The Point:

7. The learned counsel for the petitioner argued that the petitioner had filed I.A No.5 of 2023 in the case to reject the Ex.B1 to Ex.B4 which were marked in the case by the 1st respondent / 1st defendant as irrelevant or otherwise inadmissible in the case on 13.04.2023 and the petition had been dismissed on 21.11.2023 by this Hon'ble Court. The petitioner preferring an appeal against the order and the petitioner had applied for granting certified copies of the decretal order and fair order in I.A No. 5 of 2023 on 22.11.2023 (G.No. 3800 / 2023). The copy section will take minimum 3 months time to furnish the copies of the decretal order from today 22.11.2023 and fair order in I.A No.5 of 2023 in the case. Further the case is posted to 29.11.2023 for cross examination of Dw1. Hence, it is just and necessary to stay the operation of the decretal order and fair order in I.A No.5 of 2023 further proceedings in the case for the period of 3 months to enable the petitioner to prefer a revision against the orders in the High Court of Judicature at Madras and till the petitioner get the suitable order from the concerned court. Hence, the petitioner

counsel prayed to allow this petition.

8. The learned counsel for the respondent argued that the case is pending from the year 2011 and the only intention to file this petition to stay the operation of fair order and further proceedings of I.A No. 5 of 2023 by the petitioner is just drag on the proceedings.
9. The petition was filed before this Hon'ble Court on 23.11.2023 and even as prayed by the petitioner a period of 3 months is over and the respondent is always ready and willing to proceed with the case.
10. The 1st respondent / 1st defendant (Dw1) who has to be crossed examined by the petitioner herein, is a blind person and aged person and it is further submitted that keeping in mind the health condition of the respondent and the case which is pending for long period. Hence, the respondent counsel prayed to dismiss this petition.
11. Heard both sides arguments. Connected material records perused. This petition is filed on 23.11.2023 and taken into filed on 24.01.2024. Already the period of 3 month mentioned by the petitioner in the affidavit is over. Hence, the petition is liable to be dismissed as it become infrastructure.
12. In the result, this petition is dismissed. No cost.

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 12th day of March 2024.

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM

