

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Wednesday of 19th Day of November 2025

I.A.No.11/2025 in OS.No.43/2015

(CNR.No.TNTR21-000069-2015)

G.Jayaseeli

...

... Petitioner/ Plaintiff

/ Vs/

S. Amavasai

... Respondent/ Defendant

This petition came up before me for the final hearing on 12.11.2025 in the presence of M/s. M. Mohan Raju, G. Sivakumar, Counsels for Petitioner/ Plaintiff, M/s. V.S. Velayudham, Counsel for Respondent/ Defendant, upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed by the petitioner under order 17 Rule 1 of CPC to adjourn the above suit till the disposal of CRP on the file of Hon'ble High Court, Chennai.

1. Petition averments in brief:-

(a) The petitioner filed petition in IA.No.9/2015 for appointment of Advocate Commissioner along with Taluk Surveyor to measure the suit property and to fix the encroachment by the defendant. The said petition was dismissed on 24.09.2025. The petitioner preferred CRP in Hon'ble High Court, Madras against the said dismissal order and the same is numbered as Filing C.R.P.No.160297/2025 on 06.10.2025. The CRP will be numbered soon. Hence this petitioner filed this petition to adjourn the above suit till the disposal of CRP on the file of Hon'ble High Court, Chennai.

2. Counter filed on behalf of the respondent in brief:-

(a) The petition is not maintainable either in law or on merits. The petition in IA.No.9/2015 was dismissed on 24.09.2025 and the above case was posted for plaintiff side evidence. The petitioner/plaintiff never gave evidence, but filed this petition stating that she preferred a Civil Revision petition before the Hon'ble High Court, Madras against the decreetal and fair order in IA.No.9/2025. The petitioner

never gave C.R.P. number in her petition. The petitioner gave particulars of filing SR.No.160297/2025. So without furnishing C.R.P. number this adjournment petition was filed wrongly. The petition was filed under Order 17 Rule 1 of CPC is not applicable and provision of law is incorrect.

(b) Further if really petitioner filed C.R.P she ought to have been get an stay order before the Hon'ble High Court, Madras. So this petition is not maintainable. This petition filed only to delay the proceedings and willfully drag on case. The petitioner filed somany petitions to protract the case and causing delay to proceed further. Already this case was dismissed for default 2 times for the past one year. This suit was filed in the year of 2015. The petitioner/plaintiff is not interested to conduct the above case. There is no bonafide reasons stated in this petition for stay of the suit. Hence this petition is liable to be dismissed with cost.

3. Point for determination:-

Whether the petitioner is entitled to the relief as sought for? or not?

4. Point:-

Heard both sides. Record perused. According to the petitioner, the petitioner filed petition in IA.No.9/2015 for appointment of Advocate Commissioner and the same was dismissed on 24.09.2025. The petitioner preferred CRP before the Hon'ble High Court, Madras against the said dismissal order and the same is numbered as Filing C.R.P.No.160297/2025 on 06.10.2025. The CRP will be numbered soon. Hence the petitioner prays to allow the petition.

5. The Respondent resisted the petition by contending that the petitioner never gave C.R.P. number in her petition. The petitioner gave particulars of filing SR.No.160297/2025. So without furnishing C.R.P. number this adjournment petition was filed wrongly. If really petitioner filed C.R.P she ought to have been get an stay order before the Hon'ble High Court, Madras. So this petition is not maintainable. This petition filed only to delay the proceedings and willfully drag on case. The petitioner/plaintiff is not interested to conduct the above case. There is no bonafide reasons stated in this petition. Hence, the respondent prays to dismiss the petition with costs.

6. Originally this suit posted in the trial list on 03.07.2024. On that said date plaintiff not ready for trial. Hence suit dismissed for default. The suit is restored as per order in IA.No.2/2024. After that the petitioner not ready for conducting the suit. Hence once again suit dismissed on 26.11.2024. The suit was once again restored as per the order in IA.No.4/2025. The main objection of the respondent is that the petitioner is not interested to conduct the suit and she wantonly drag the suit by filing these type of petitions.

7. The petition in IA.No.9/2025 filed under Order 26 Rule 9 CPC was dismissed on 24.09.2025. The copy application was filed on 30.09.2025 and the copy made ready on 06.10.2025. The petitioner has sufficient time to file a revision before the Hon'ble High Court, Madras. The petitioner herself admitted that she already filed revision before the Hon'ble High Court, Madras on 06.10.2025. Since revision was already filed by the petitioner there is no need to grant further time or stay this case. Considering the facts and circumstances, this court is of view that this petition is devoid of merits and is liable to be dismissed.

In the result, this petition is dismissed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 19th day of November 2025.

District Munsif,
Tiruttani.

Petitioner and Respondent side Witnesses and Exhibits :- Nil

District Munsif,
Tiruttani.