

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2062 of 2015

1. Coumar
S/o Subramania Chettiyar
2. Devasagayam
S/o Anthonisamy .. Appellants/Defendants

-Vs-

1. Alamelu
W/o Paramasivam
rep.by her Power of Attorney
Paramasivam, S/o Nagamuthu
2. Ramakrishnan
S/o late Ramanujam ... Respondents/Plaintiff

Memorandum of Grounds of Civil Miscellaneous Appeal under Order XLIII, Rule 1(u) of the Civil Procedure Code against the fair and decretal orders dated 7.7.2015 made in I.A.No.352 of 2015 in O.S.No.51 of 2015 on the file of the learned III Additional District Judge at Puducherry.

For Appellants :: Mr.Stalin Abhimanyu

For Respondents :: Mr.S.Subbiah for R1
No appearance for R2

JUDGMENT

This appeal is directed against the impugned order dated 7.7.2015 passed in I.A.No.352 of 2015 in O.S.No.51 of 2015 by the learned Third Additional District Judge, Puducherry, in and by which the trial Court came to the conclusion that both the appellants/defendants 1 & 2 and the first respondent/plaintiff had title deeds in favour of them with regard to the suit property, therefore, there is a cloud with regard to the title of the suit property. In this background, learned trial Court, since which title deed is genuine and valid has to be decided only during the trial, allowed the interlocutory application granting ad-interim injunction restraining the appellants/defendants 1 & 2 and their men from doing any further

construction work in the suit property till the disposal of the suit. Hence this appeal.

2. Learned counsel for the appellants/defendants 1 & 2 submitted that when the appellants have got a better title deed, they have begun the construction. Now that the construction has almost reached 90% stage, hence, if the appellants are permitted to complete the construction, they are prepared to even handover the property along with the construction put up by them in the event the suit is decreed.

3. In reply, the learned counsel for the first respondent/plaintiff submitted that when the title deeds of the parties are already in dispute, it is always safer for both the parties to await the verdict from the trial Court. Till then, the parties should maintain status quo. Adding further, the learned counsel requested this Court not to disturb the impugned order and to give a direction to the trial Court to complete the trial expeditiously. Agreeing to the said proposition, the learned counsel for the appellants/defendants also requested this Court to fix three months time for the disposal of the suit.

4. This Court, considering the said request and without interfering with the impugned order, hereby directs the trial Court to dispose of the suit, O.S.No.51 of 2015 on merits and in accordance with law within an outer time limit of four months from the date of receipt of a copy of this order. With this observation, the civil miscellaneous appeal stands disposed of. Consequently, interim order stands vacated and the M.P.Nos.1 to 3 of 2015 are closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The III Additional District Judge
Puducherry

+1cc to Stalin Abhimanue, Advocate sr.63016
+1cc to Mr.S.Subbiah, Advocate sr.62241

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tej[col]
srg 28/12/2015