

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 21.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2820 of 2015

and

M.P.No.1 of 2015

R.Seetharaman ... Appellant/Petitioner/
6th Defendant

Versus

1.Minor Giridharan
2.Minor Saharsumathy
(minors rep. by Mother Guardian,
Vijayaradha) ... Respondents/Respondents/
Plaintiffs

Prayer: Civil Miscellaneous Appeal filed under section Order XLIII Rule 1(r) read with Section 96 of C.P.C. against the fair and decretal order dated 04.09.2015 passed in I.A.No.66 of 2015 in O.S.No.108 of 2011 on the file of the learned Principal District Judge, Villupuram.

For Appellant :: Mr.R.Murali

J U D G M E N T

This civil miscellaneous appeal has been directed against the impugned decretal order passed by the learned Principal District Judge, Villupuram in I.A.No.66 of 2015 filed in O.S.No.108 of 2011 dated 04.09.2014 on the ground that the impugned order passed by the trial court dismissing the application under order 39 Rule 1 and 2 seeking for interim injunction restraining the respondents from encroaching the schedule property, is contrary to law for the reason that when the father of the respondents herein executed sale deeds in favour of the third defendant in the year 2003 and the third defendant also executed sale deeds in favour of the appellant herein in the year 2014. Therefore, the respondents have no title, right and interest upon the schedule properties and they are not in the possession of the property from the year 2003. Hence, the application filed by the appellant under Order 39 Rule 1 and 2 seeking injunction ought to have been granted but it has not been considered. Accordingly, the sixth defendant

has sought the impugned order to be set aside in the present civil miscellaneous appeal. But this court is not able to see any merit at all in the civil miscellaneous appeal.

2.At this point of time, the learned counsel appearing for the appellant requested this court to direct the trial court to dispose of the pending suit on merits and in accordance with law expeditiously, since the trial is pending on the file of the court from 2011.

3.This court finding no merits in this civil miscellaneous appeal is inclined to consider his request for early disposal, since the suit is pending from the year 2011. Therefore, the trial court is directed to dispose of the pending suit expeditiously preferably within a period of five months from the date of receipt of a copy of this order. With the above direction, the civil miscellaneous appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vri

To
The Principal District Judge,
Villupuram.

+ 1 cc to Mr.R. Murali, Advocate Sr.68937

C.M.A.No.2820 of 2015

WEB COPY

EV(CO)
Eu 8.1.16