



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.M.A. (MD)No.1365 of 2015

and

M.P. (MD)No.1 of 2015

Dinakar Maharaja

..Appellant/5th Respondent/5th Defendant

Vs.

1.Ayyavu @ Ayyavu George
Chairman & Dean of Krammer
Sandegeren Foundation Church of
Sweden Mission in India

..1st Respondent/Petitioner/Plaintiff

2.The Pastor,
The Tamil Evangelical Lutheran Church (TELC),
Tharangampadi Illam,
Cantonment,
Trichirappalli Town - 1.

3.K.Joseph Kesavarao

4.Pirikitta Enwal

5.Ranjani

..Respondents 2 to 5/Respondents 1 to 4/
Defendants 1 to 4

Prayer: Civil Miscellaneous Appeal is filed under Order 43 Rule 1(r) of C.P.C., against the order dated 30.09.2015 passed in I.A.No.250 of 2015 in O.S.No.85 of 2015 on the file of the Additional District Court, Dindigul.

For Appellant : Mr.K.Vinayagan

JUDGMENT

The learned counsel for the appellant has submitted that the plaintiff / 1st respondent has filed a suit in O.S.No.85 of 2015 before the Additional District Court, Dindigul. Along with the suit, has filed an interlocutory application in I.A.No.250 of 2015 under Order 39 Rule 1 and Section 151 of Civil Procedure Code for granting an order of ad interim injunction.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Trial Court after hearing the learned counsel appearing for the 1st respondent / plaintiff, has granted an order of ad interim



injunction, without issuing notice to the 5th respondent / appellant. As contemplated under Rule 3(A) of Order 39 of Code of Civil Procedure, that interlocutory application ought to have been disposed of within the prescribed period of 30 days. But, this mandatory provision has not been followed by the court below. Challenging the above said order, this Civil Miscellaneous Appeal is filed.

3. When the matter is taken up for hearing, the learned counsel appearing for the appellant instead of challenging the impugned order, has requested this Court to issue a direction to the Trial Court to dispose of the interlocutory application, after inviting the objection from the appellant, as early as possible preferably within a period of one month from the date of receipt of a copy of this order.

4. Keeping in view of the above fact, the learned Additional District Judge, Dindigul is hereby directed to dispose of the interlocutory application within a period of 30 days on merit after inviting the objection from the appellant.

5. The Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

The Additional District Judge,
Dindigul.

+1cc to Mr.K.Vinayagan, Advocate SR.No.71766

Akm/16.12.2015/ 2p- 3c/SKN/SK/SAR-II