



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.02.2015

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P (MD) No.264 of 2015

1.M.Karmegam
2.M.Gopalakrishnan ... Petitioners/Plaintiffs

Vs.

V.Velmurugan ... Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Melur to dispose of I.A.No.916 of 2014 in O.S.No.389 of 2014 on the file of District Munsif Court, Melur within a time frame stipulated by this Court.

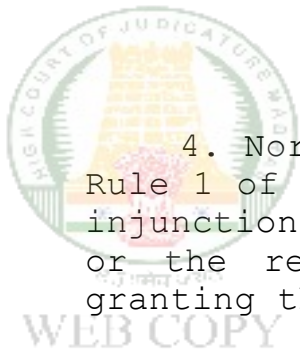
For Petitioners : Mr.Niranjan S.Kumar

ORDER

This Civil Revision Petition is filed for a direction seeking early disposal of I.A.No.916 of 2014 in O.S.No.389 of 2014 on the file of the District Munsif, Melur.

2. Heard the learned counsel appearing for the petitioners.

3. The revision petitioners, who are the plaintiffs, have filed a suit in O.S.No.389 of 2014 for the relief sought for in the plaint. Pending the suit, the revision petitioners/plaintiffs filed an application in I.A.No.916 of 2014 seeking for interim injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit properties. In the said I.A.No.916 of 2014, notice was ordered to the respondent on 05.01.2015. on the same date, one Mr.G.M.Xavier has filed vakalat for the respondent and sought time for counter. Thereafter, it has been adjourned to 22.01.2015. On 22.01.2015, the respondent seeks time and within a short time, it was adjourned to 30.01.2015. When the matter came up for hearing on 30.01.2015, the Judge was not sitting. The Court official, namely, the Head Clerk has adjourned the matter to 02.03.2015. Aggrieved by the same, the revision petition has been filed.



4. Normally any Interlocutory Application filed under Order 39 Rule 1 of the Code of Civil Procedure, 1908, the Court would grant injunction only there was a *prima facie* case even without notice or the relief sought for will be deleted or defeated by not granting the interim order.

5. In this case, the plaintiffs have come to Court seeking an order of injunction, but inspite of notice given to other side and other side has entered his appearance, without passing an order, it has been adjourned time and again and the last date of adjournment is beyond 30 days. The trial Court has to decide the question relating to interim injunction according to well established principles. When the parties are at loggerheads putting forward rival claims before the Court, the Court is bound to decide *prima facie* on the materials available. Leaving the matter in doubt and ambiguity will result in dangerous consequences.

6. Therefore, considering the limited prayer sought for by the petitioner, no notice is issued to the respondent. As the petitioners are seeking only for disposal of I.A.No.916 of 2014, Without touching upon the merits of the case, the learned District Munsif, Melur is directed to dispose of the application in I.A.No.916 of 2014 on or before 27th February, 2015.

7. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The District Munsif, Melur.

2. The Principal District Judge, Madurai.

+1cc to Mr.Niranjan S.Kumar, Advocate, in SR. No.7645/2015.

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16.02.2015

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