

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:04.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.Nos.654 and 655 of 2016

1.R.Periyasamy
2.C.Velusamy
3.V.C.Murugesan
Senthilkumar (Died)
S/O.P.K.Kumarasamy
4.K.P.Arumugham
5.P.R.Balakrishnan
6.C.M.Palanisamy
7.Smt.Maragatham
8.Minor Jayanth
9.Minor Thansika
Minor rep. by mother and guardian
Smt.Maragatham
(Appellants 7 to 9 are the legal representatives
of K.Senthilkumar, the 6th respondent in
the imugned order) .. Appellants in both the appeals/
Respondents 3 to 9/LRs of 6th
Respondent/ Defendants 3 to 9 / LRs of
6th Defendants

Versus

1.G.Ramamoorthy ..Petitioner/Plaintiff/1st Respondent
2.T.Chandrakala
3.Minor B.Balavignesh @ Vigneshkanyaram
Rep. by his next friend, mother and guardian
T.Chandrakala. ... Respondents 1 &2 in both the appeals/
Defendants 1&2/ Respondents 2&3

Prayer: These Civil Miscellaneous Appeals are filed under Order 43 Rule 1(r) of Civil Procedure Code, against the Fair and decreetal order dated 24.08.2015 made in I.A.Nos.191 and 192 of 2015 in O.S.No.140 of 2015 on the file of the III Additional District and Sessions Judge, Coimbatore.

For Appellants : Mr.S.Mukunth
For Respondents: Mr.S.Punniyakottai for R1

O R D E R

These two Civil Miscellaneous Appeals are directed against the impugned decretal order passed in I.A.Nos.191 and 192 of 2015 in O.S.No.140 of 2015 by the learned III Additional District and Sessions Judge, Coimbatore on 24.08.2015, in which the learned Trial Court, in a suit for injunction filed by the plaintiff/first respondent herein, accepting the prayers for passing the impugned orders not to alienate the suit property in question and also not to alter the physical features of the suit properties and not to put up any construction thereon, otherwise the plaintiff would suffer irreparable loss in the event of plaintiff being successful in the suit, interim reliefs have been granted.

2. Although the learned counsel appearing for the appellants would submit that the learned Trial Court by granting interim relief, granted the main relief, without going to the merits of the case he has requested this Court to direct the Trial Court to dispose of the suit on merits and in accordance with law expeditiously.

3. In a suit for injunction which is pending on the file of III Additional District and Sessions Court, Coimbatore from 2014, this Court finds no hesitation to direct the Trial Court to proceed further in the manner known to law and dispose of the same on merits and in accordance with law preferably within a period of six months. The learned counsel appearing for the plaintiff/first respondent also has no serious objection for expeditious disposal of the suit.

4. Therefore, the Trial Court is directed to dispose of the suit in O.S.No.140 of 2015 on the file of the III Additional District and Sessions Court, Coimbatore, within a period of six months from the date of the receipt of a copy of the order.

5. These appeals are disposed of accordingly. No costs. Consequently the connected C.M.P.No.5356 of 2016 in CMA.No.654 of 2016 and CMP.No.5358 of 2015 in CMA.No.655 of 2016 are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

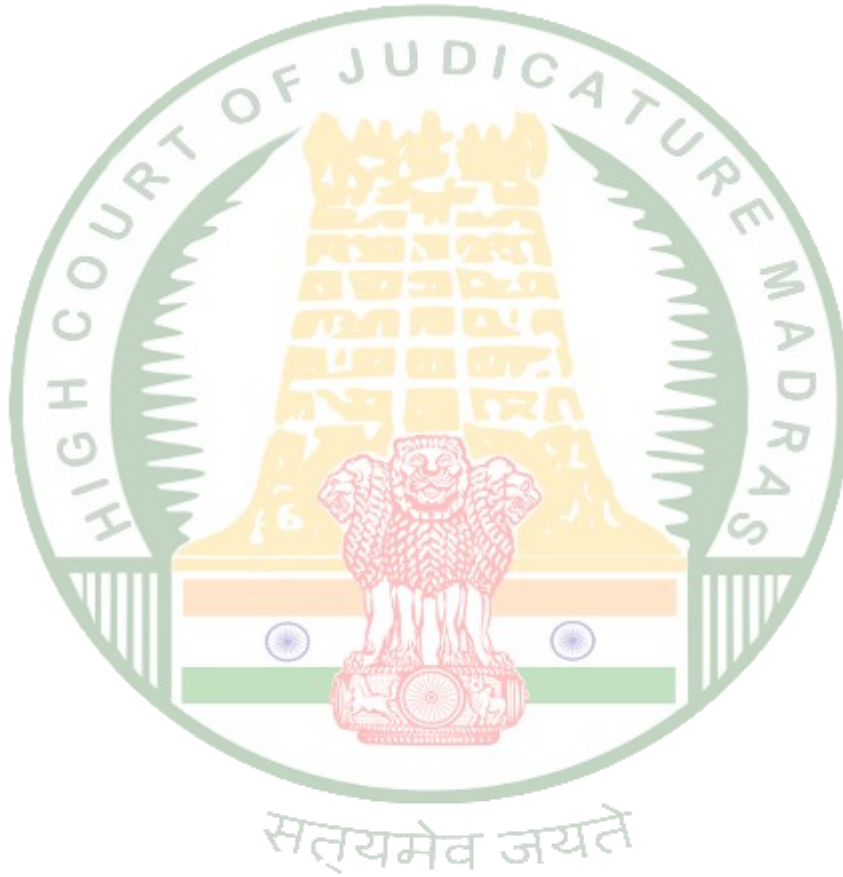
The III Additional District and Sessions Judge, Coimbatore.

+1 cc to M/s.Sarvabhauman Associates,sr.57125

+1 cc to Mr.S.Punniyakotti,advocate,sr.57613.

sa(co)
krd 9/12

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