

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**CRP(PD)Nos.297 and 298 of 2014
and M.P.Nos.1 and 1 of 2014**

M/s Jaisar Spintex Private Limited,
Rep. by its Director J.Lakshmanan

.. Petitioner in CRP.Nos.297 and 298 of
2014

Vs.

1. ICICI Bank Limited,
Rep. by its Branch Manager,
"Cheran Plaza", 1st Floor,
1090 Trichy Road, Coimbatore – 18.
2. ICICI Bank Limited,
Corporate Office,
Rep by its General Manager,
ICICI Bank Tower's BANDRA-Kurla Complex,
Mumbai – 400 0051.

.. Respondents in CRP.Nos.297 and 298 of 2014

C.R.P.Nos.297 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 19.01.2012 passed in I.A.No.708 of 2011 in I.A.No.593 of 2009 in O.S.No.297 of 2008 on the file of the Principal Subordinate Court, Coimbatore.

C.R.P.Nos.298 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 19.01.2012 passed in I.A.No.709 of 2011 in I.A.No.592 of 2009(I.A.No.217 of 2008) in O.S.No.297 of 2008 on the file of the Principal Subordinate Court, Coimbatore.

For Petitioner : Mr.P.Karikalan in both CRPs.

For the Respondent - 1 : Mr.R.Pradeep

for M/s Iyer & Thamas in both CRPs.

For the Respondent – 2 : No appearance in both CRPs.

COMMON ORDER

The present Civil Revision Petitions are filed against the order dated 19.01.2012 passed in I.A.Nos.708 and 709 of 2011 in I.A.Nos.592 and 593 of 2009 in O.S.No.297 of 2008. The plaintiff is the petitioner before this Court and petitioner filed the suit in O.S.No.297 of 2008 before the Principal Subordinate Court, Coimbatore for declaration and permanent injunction. The petitioner/plaintiff filed applications seeking interim injunction in I.A.Nos.592 & 593 of 2009 and the learned Trial Court granted interim injunction in the year 2009. The matter was adjourned from time to time and the petitioner/plaintiff was not prudent in pursuing the interim applications and did not make an attempt to dispose of the interim applications for interim injunction in

I.A.Nos.592 & 593 of 2009. Learned counsel for the petitioner contended that I.A.Nos.592 & 593 of 2009 was closed by the Trial Court on 15.06.2011 and thereafter the petitioner filed I.A.Nos.708 & 709 of 2011 to re-open the injunction petitions.

2. Learned counsel appearing for the respondents opposed the petition stating that the interim injunction, initially granted by the Trial Court was in force for about three years and the petitioner /plaintiff had not made any attempt to dispose of the petitions for injunction filed in I.A.Nos.592 & 593 of 2009 and he was prolonging the matter. The Trial Court ultimately closed the petitions on 15.06.2011. Even thereafter, the petitions to re-open were filed after a lapse of three months. Hence, the trial court is right in rejecting the petitions and no interference is required by this Court.

3. Heard respective counsel both petitioner and the respondent.

4. The factum of the case is that the suit is for declaration and injunction and the trial court granted interim injunction at the initial stage. The interim injunction was in force for about three years. The petitioner/plaintiff had not taken any initiative for the

disposal of the interim applications. Accordingly, the Trial Court closed the petitions filed in I.A.Nos.592 & 593 of 2009 on 15.06.2011. Further the present Civil Revision Petitions are filed in the year 16.09.2013 and till today the suit is pending without any interim order for the past about five years. Therefore, this Court is not inclined to consider the present Civil Revision Petitions. Accordingly, the present Civil Revision Petitions are devoid of merits and the same is dismissed.

5. In view of the fact that the suit is of the year 2008, this Court is inclined to direct the Trial Court to take up the suit for disposal as early as possible. Consequently connected the miscellaneous petitions are closed. No costs.

08.12.2016

Index : No
Internet : Yes

To

The Principal Subordinate Court, Coimbatore.

S.M.SUBRAMANIAM, J.

adl

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