

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-11-2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.3515 of 2016

1.Mrs.Kumara Rani Meena Muthaih

2.S. Pushparaj

Petitioners

...

VS

1. South India Corporation Private Limited,
rep by its Authorised Signatory,
V. Muthu,
No.32, New No.14, LGB Nagar,
Saravanampatti,
Coimbatore – 35

2. M.A.M.M Annamalai

Respondents

...

Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of the I.A.No.38 of 2016 in O.S.No.10 of 2016 on the file of Principal District Judge of the Nilgiris at Uthagamandalam.

For Petitioners : Mr.R. Srinivasan for
Mr.S. Sithirai Anandam

For 1st respondent: Mr.M. Suresh Kumar for

Mr.T. Balaji

ORDER

The defendants 1 and 3 in O.S.No.10 of 2016 on the file of Principal District Court, Nilgiris at Uthagamandalam, have filed the above Civil Revision Petition to direct the trial Court to dispose of the Injunction Application in I.A.No.38 of 2016 in O.S.No.10 of 2016 within a time frame.

2. The first respondent/plaintiff filed the suit in O.S.No.10 of 2016 for partition, separate possession and permanent injunction. In the suit, the plaintiff took out an application under Order 39 Rules 1 and 2 of Civil Procedure Code in I.A.No.38 of 2016 and obtained an exparte order of interim injunction on 31.03.2016.

3. The learned counsel appearing for the petitioners submitted that the petitioners filed their counter in the application in I.A.No.38 of 2016 on 18.04.2016. Further, the learned counsel submitted that the trial Court has not disposed of the same yet inspite of the petitioners' filing their counter as early as on 18.04.2016. That apart, the learned counsel submitted that in view of

the long pendency of the application and the order of interim injunction, working against the petitioners, they are put to hardship and prejudice and therefore, the trial Court may be directed to dispose of the injunction application within a time frame.

4. Mr.M. Suresh Kumar, learned counsel appearing for the first respondent submitted that the first respondent has no objection for giving a direction to the trial Court to dispose of the injunction application within a time frame. Further, the learned counsel submitted that in the suit, the trial had already begun and chief examination of P.W.1 has been completed and the suit is posted for cross examination of P.W.1. Therefore, the learned counsel submitted that the trial Court may be directed to dispose of the suit within a time frame.

5. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for in the Civil Revision Petition, without going into the merits of the matter, I direct the Principal District Judge, Nilgiris at Uthagamandalam to dispose of the injunction application in I.A.No.38

of 2016, on merits and in accordance with law, within three weeks from the date of receipt of a copy of this order. Further, the Principal

M. DURAISWAMY,J.,

sr

District Judge, Nilgiris is directed to dispose of the suit in O.S.No.10 of 2016 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. With these observations, the Civil Revision Petition is disposed of. No costs.

17-11-2016

sr

Index:no
website:yes

To

The Principal District Court, Nilgiris at Uthagamandalam

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