

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM : THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.3920 of 2008 and CMA.No.612 of 2009
&
MP.Nos.1&2 of 2009 in CMA.No.612 of 2009

CMA.No.3920 of 2008 :

R.Santhosh

... Appellant

Vs.

1.Savithri Naidu

2.Vikram R. Naidu

... Respondents

CMA.No.612 of 2009 :

1.Savithri Naidu

2.Vikram R. Naidu

... Appellants

Vs.

R.Santhosh

... Respondent

Prayer in CMA.No.3920 of 2008 : Civil Miscellaneous Appeal filed under Section 43 Rule 1 of Code of Civil Procedure against the judgment and decree dated 29.10.2008 made in I.A.No.49 of 2008 in O.S.No.24 of 2008 on the file of the Court of I Additional District Judge, Coimbatore.

Prayer in CMA.No.612 of 2009 : Civil Miscellaneous Appeal filed under Section 43 Rule (1) (r) read with Section 104 of Code of Civil Procedure against the judgment and decree dated 29.10.2008 made in I.A.No.50 of 2008 in O.S.No.24 of 2008 on the file of the Court of I Additional District Judge, Coimbatore.

In CMA.No.3920 of 2008:

For Appellant : Mr.T.R.Rajaraman

For Respondents : M/s.Nithyaesh & Vaibhav [for R1]

M/s.Sarvabhauman Associates [for R2]

In CMA.No.612 of 2009:

For Appellants : M/s.Sarvabhauman Associates

For Respondent : Mr.T.R.Rajaraman

COMMON JUDGMENT

These two appeals arise from two orders of interim injunction passed by First Additional District Court, Coimbatore, wherein an order of injunction was denied in one (I.A.No.49 of 2008)

and granted in another (I.A.No.50 of 2008) in a suit for declaration of settlement deed executed by the plaintiff's father in favour of his alleged mistress and her son. Both the applications were filed by the plaintiff, and in I.A.No.49 of 2008 seeking to restrain the respondents and their men from in any manner interfering with the possession and enjoyment of the suit property and the other in I.A.No.50 of 2008 interim injunction was sought to restrain the respondents not to encumber or alienate the suit property till disposal of the suit.

2. The trial Court namely I Additional District Court, Coimbatore had granted injunction restraining alienation or encumbering the suit property, but found prima-facie that the respondents in both the I.A.s i.e., Savithri Naidu and her son Vikram Naidu were in possession of the suit property and hence declined to grant injunction in I.A.No.49 of 2008. Therefore, both the parties have come before this Court, challenging respectively the orders that have gone against them.

3. It is eight years since the suit was instituted and the appeals have been filed. All that these appeals manage to achieve is to halt further proceedings in the suit as nothing spectacular happened in the last eight years imperilling the rights of the parties. In other words, the present status quo appears to have addressed the situation arising out of the litigation adequately. With the need to expedite the trial of the suit in mind, I refrain interfering with both the impugned orders. The trial Court is directed to proceed with the trial forthwith and dispose of the matter as expeditiously as possible but not later than four months from the date of receipt of the material papers from this Court. Since the suit is an old one, the trial Court must be vigilant not to grant unnecessary adjournments during trial of the case and except when circumstances are very imminent, the adjournment shall be denied. The trial Court shall not let itself influenced by any of its findings or observation made in both the impugned orders while deciding the issues in the suit. With the above observations, the appeals are dismissed with no costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

To:

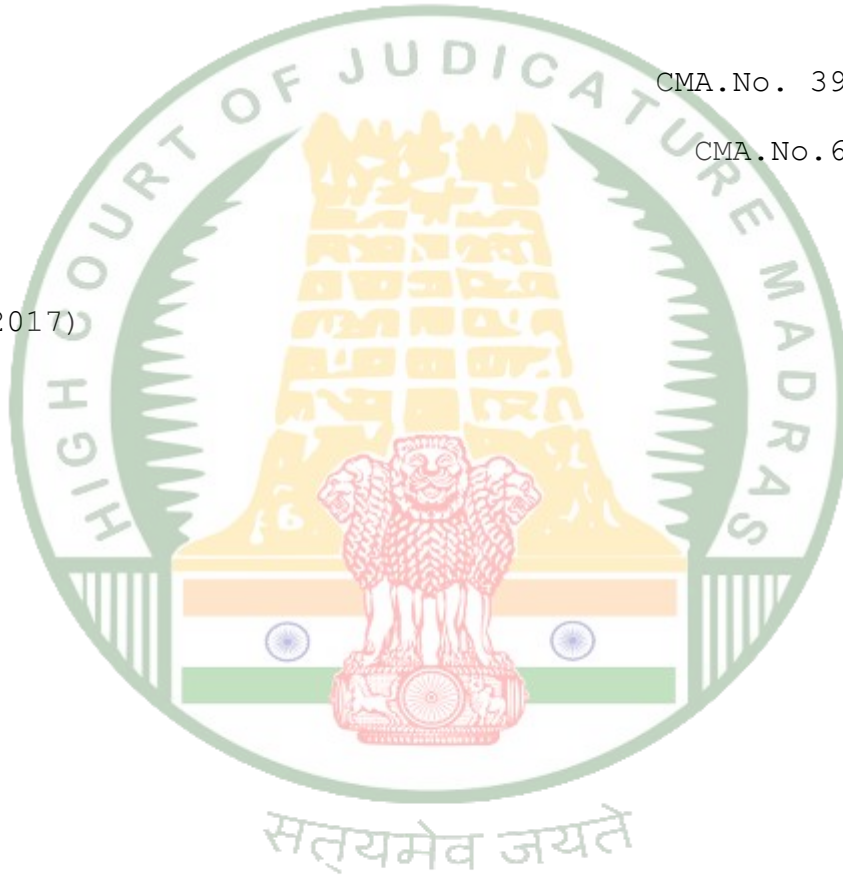
1.The I Additional District Court,
Coimbatore.

2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to T.R.Rajaraman, Advocate in SR.No.74775
+1cc to T.R.Rajaraman, Advocate in SR.No.74776
+1cc to Sarvabhuman associates, SR.No.74584

CMA.No. 3920 of 2008
and
CMA.No.612 of 2009

SS (CO)
GN (20/02/2017)



WEB COPY