



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

C.M.A. (MD) No.1330 of 2015

and

M.P. (MD) No.1 of 2015

1.M.Mohammed Eliyas

2.S.Asan

3.M.Beer Mohammed Kamal Raja

... Appellants

Vs.

M.Thenmozhi

... Respondent

PRAYER: The Civil Miscellaneous Appeal filed under Order 43 Rule (1) CPC, to set aside the order passed by the learned IV Additional District Judge, Madurai in I.A.No.42 of 2015 in O.S.No.8 of 2015 dated 06.11.2015.

For Appellants : Mr.G.Prabhurajadurai

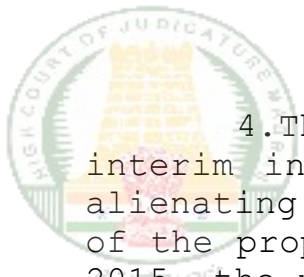
For Respondent : Mr.A.K.Manickam

JUDGMENT

This Civil Miscellaneous Appeal is filed as against the order dated 06.11.2015 in I.A.No.42 of 2015 in O.S.No.8 of 2015 passed by the learned IV Additional District Judge, Madurai.

2.The appellants are the defendants 4, 5 and 6 and the respondent herein is the plaintiff in O.S.No.8 of 2015 on the file of the IV Additional District Judge, Madurai.

3.The respondent / plaintiff filed the suit for specific performance to execute the sale agreement dated 14.04.2014. Along with the suit, the respondent / plaintiff filed two applications in I.A.Nos.41 and 42 of 2015. The application in I.A.No.41 of 2015 was filed for interim injunction, restraining the appellants / respondents therein, in alienating or encumbering the suit schedule property till the disposal of the the application. The application in I.A.No.42 of 2015 was filed for interim injunction restraining the appellants / respondents in interfering with the peaceful possession and enjoyment of the property till the disposal of the application.



4.The Trial Court allowed both the applications, granting interim injunction restraining the appellants / respondents from alienating the property and not to interfere with the possession of the property. Against the order passed in I.A.Nos.41 and 42 of 2015, the present appeal is filed.

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5.At the time of hearing, both the learned counsel for the appellants and the learned counsel for the respondent submitted that the suit may be disposed of within a time frame.

6.In view of the submissions made on either side, without going into the merits of the matter, the Civil Miscellaneous Appeal is disposed of directing the learned IV Additional District Judge, Madurai to dispose of the suit in O.S.No.8 of 2015 on or before 31.07.2016.

7.It is submitted by the learned counsel for the appellants that the appellants are in possession of the suit property. Similarly, the learned counsel for the respondent submitted that the respondent is in possession of the suit property.

8.As the civil Miscellaneous Appeal is disposed of without going into the merits of the matter, the parties are directed to maintain status quo as on today till the disposal of the suit. The appellants / respondents are directed to file their written statement within a period of two weeks from today.

9.No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The IV Additional District Judge, Madurai.

+ 1 CC TO MR.R.MOHAMED RAJAPDHEEN, ADVOCATE IN SR NO. 15874
+ 1 CC TO MR.A.K.MANICKAM, ADVOCATE IN SR NO. 15445

NBJ

TE/SKS-RR/ : 21/04/2016 : 2P/4C

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