

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2017

Coram

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
C.M.A.No.1319 of 2017 &
CMP.Nos.6857 and 19732 of 2017

1.Mrs.Lilian Alphonse
2.Mr.Dominic Louis
3.Ms.Dolly Louis ... Appellants/Plaintiff

Vs.

1.Mr.Joseph Benedict Louis
2.The Bank Manager,
ICICI Bank Ltd.,
Besant Nagar Branch,
Chennai - 600 090.
...Respondents/Defendants

Civil Miscellaneous Appeal filed under Order 43 Rules 1 &
2 of CPC against the order dated 23.8.2016 in I.A.No.4086 of
2016 in O.S.No.1496 of 2016, on the file of XVIII Additional
City Civil Court, Chennai.

For Appellant : Mr.I.John Arockiadas

For Respondents : Mr.J.Justin - for R1

Mr.T.Jayakumar,
for M/s.Saikrishnan Associates - for R2

J U D G M E N T

Challenging the fair and decreetal order passed in
I.A.No.4086 of 2016 in O.S.No.1496 of 2016 on the file of XVIII
Additional Judge, City Civil Court, Chennai, the plaintiffs
have filed the above appeal.

2. The plaintiffs filed the above suit in O.S.No.1496 of
2010 for declaration, partition, separate petition and for
mandatory injunction. In the said suit, the plaintiffs filed an
application in I.A.No.4086 of 2016, seeking for interim
injunction, restraining the defendants from alienating or
encumbering Item Nos. 1 and 2 of the Suit Schedule Property.

3.The defendants filed their counter and contested the
application.

4. The trial Court, after taking into consideration the case of both the parties, closed the petition, since the suit is ripe for trial.

5. Admittedly, the defendants have filed their written statement and the Suit is posted for examination of P.W.1.

6. The learned counsel appearing for the first respondent submitted that since the Suit is posted for trial, the trial Court may be directed to dispose of the Suit, within a time frame.

7. It is evident that the plaintiffs have managed without any interim order, since the date of filing of the Suit. That apart, when the Suit is taken up for trial, I do not find any reason to interfere with the order passed the trial Court.

8. In these circumstances, I direct the XVIII Additional Judge, City Civil Court, Chennai, to dispose of the Suit in O.S.No.1496 of 2016, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this judgment.

With these observations, the Criminal Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

ms/Rj

To

The XVIII Judge
Additional City Civil Court,
Chennai.

+1 CC to Ms. I. John Arockiados, Advocate sr 87195.

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PPA (CO)
SP (27/12/2017)