

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

CMA.No.2101 of 2015

and

M.P.No.1 of 2015

J. Sethulingam

...Appellant

Vs.

1. Pushparani

2. J. Roopalingam

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1(q) of the Code of Civil Procedure, against the order and decreetal order dated 13.08.2015 made in I.A.No.346 of 2015 in O.S.No.156 of 2015 on the file of the Principal District Court, Chengalpattu, Kancheepuram District.

For Appellant : Mr.P.Valliappan

For 1st Respondent : Mr.K.Thilagaraj

JUDGMENT

The plaintiff preferred an appeal against the order of dismissal, to grant interim injunction, pending suit, with respect to suit item no.2.

2. The suit is filed for partition. The injunction with respect to item no.2 is rejected.

3. The plaintiff had not disclosed the Will in respect of 9 cents and also the settlement deed dated 12.01.1981, in favour of first respondent.

4. The learned counsel for the first respondent stated that the suit item no.2 has already been sold. Nevertheless, the same is hit by lis-pendens, as already the injunction with respect to item no.1 is granted and made absolute and with respect to suit item no.2, the property is sold. Any further alienation would also be hit by the Doctrine of lis-pendens.

5. From the materials available, it is seen that the pleadings in the matter are ready and in the interest of justice, it will be appropriate to direct the learned Principal District Judge, Chengalpattu, Kancheepuram District to dispose of the suit as expeditiously as possible, however, not beyond 31.12.2017

6. With the above direction, the Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Asst.Registrar

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Sub Asst. Registrar

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To

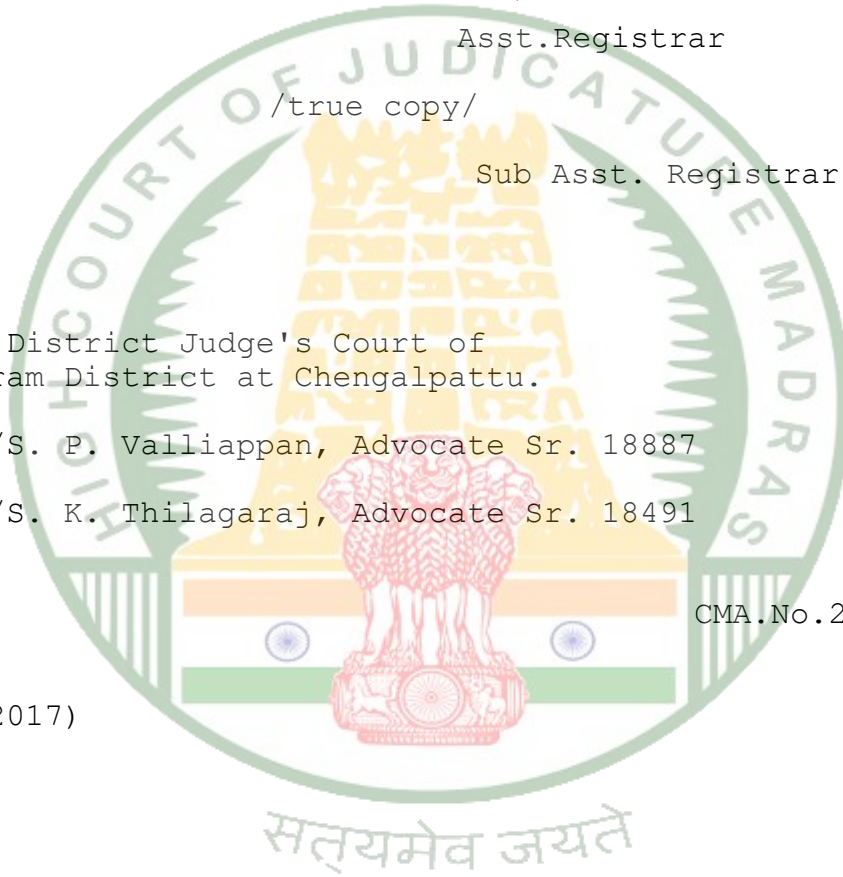
Principal District Judge's Court of
Kancheepuram District at Chengalpattu.

+1cc to M/S. P. Valliappan, Advocate Sr. 18887

+1cc to M/S. K. Thilagaraj, Advocate Sr. 18491

CMA.No.2101 of 2015

SS(CO)
VR(13/04/2017)



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