

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.2560 of 2016

and

CMP.No.18346 of 2016

1. V.S.Veerasamy
2. Mrs.V.P.Magagathamani Appellants/Respondent/Defendants

Vs.

L.S.Sathish Kumar Respondent/Petitioner/Plaintiff

Prayer : Appeal filed under Order 43 Rule 1 of the Civil Procedure Code, against the order passed in I.A.No.264 of 2016 in O.S.No.153 of 2016 dated 30.09.2016, on the file of the IV Additional District Judge, Coimbatore.

For Petitioner : Mr.K.M.Vijayan
Senior counsel
for Mr.P.Thamilmani

For Respondent : Mr.A.Palaniappan

J U D G M E N T

The defendants in O.S.No.153 of 2016 are the appellants herein and the plaintiff therein is the respondent.

2. This Civil Miscellaneous Appeal has been filed by the appellants/defendants challenging the order of interim injunction granted by the learned IV Additional District Judge, Coimbatore on 30.09.2016, in I.A.No.264 of 2016, in O.S.No.153 of 2016.

3. Heard both sides. Perused the materials available on record.

4. It is seen that this Court, by an order dated 28.11.2016, in C.M.P.No.18346 of 2016, has granted an order of interim stay of the order dated 30.09.2016, in I.A.No.264 of

2016, in O.S.No.153 of 2016.

5. After hearing both sides, without going into the merits of the case as agreed by the learned counsel appearing on either side, this Court at this juncture is of the view that the suit itself may be tried at the earliest and disposed of.

6. The learned counsel for the appellants/defendants also gives an undertaking that the suit properties will not be alienated or encumbered in any manner pending disposal of the suit in O.S.No.153 of 2016.

7. Recording the said submission, the IV Additional District Judge, Coimbatore is directed to dispose of the suit, as expeditiously as possible, however not later than 30.10.2017. The learned Judge is also directed to try the suit uninfluenced by the findings in the Interlocutory Application in I.A.No.264 of 2016.

6. This Civil Miscellaneous Appeal is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To
The IV Additional District Judge, Coimbatore.

+1cc to Mr.P.Tamil mani, Advocate SR.No.16116
+1cc to Mr.A.Palaniappan, Advocate SR.No.16358

CMA.No.2560 of 2016

EV(CO)
GN(28/03/2017)

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