

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

C.R.P. (PD) NO.2135 OF 2017

Vengatesh

... Petitioner

Vs.

Sivanandam

... Respondent

PRAYER: Civil Revision Petition filed Under Article 227 of the Constitution of India for speedy disposal of pending I.A.No.364 of 2017 in O.S.No.138 of 2017 within stipulated time as prescribed by law on the file of the District Munsif, Mettupalayam at Coimbatore.

For Petitioner : Mr.J.Ramkumar

ORDER

This Civil Revision Petition is filed for speedy disposal of I.A.No.364 of 2017 in O.S.No.138 of 2017 pending on the file of learned District Munsif, Mettupalayam at Coimbatore.

2. When the matter is taken up for hearing today viz., 07.08.2017, the learned counsel for the petitioner has submitted that interim injunction was granted by the Trial Court without any notice to the petitioner and hence, he could not file his counter. He has filed the present Civil Revision Petition on the ground that as per Order 39 Rule 3-A of the Code of Civil Procedure, where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which injunction was granted. Therefore, it is his contention that the injunction granted by the Trial Court is not sustainable in law and the Court should not have adjourned the matter from 29.04.2017 to 20.06.2017.

3. From the perusal of the impugned order, it is seen that the interim injunction was granted on 29.04.2017, obviously the last working day before summer vacation. The learned Judge had posted the matter on 20.06.2017. Even before the first hearing date, the revision petitioner has filed the above Civil Revision Petition on 14.06.2017 and the same was numbered on 30.06.2017 and posted for hearing before me

on 07.08.2017. In the meanwhile, the petitioner had filed his written statement on 20.06.2017 and also a memo to treat the written statement as counter in the interlocutory application.

4. Considering the facts and circumstances of the case, this Court is of the view that the revision petitioner must have approached the Trial Court for vacating the interim injunction by filing an appropriate petition. Instead, even before the first hearing date, he has come before this Court. It is true that Order 39 Rule 3-A of the Code of Civil Procedure specifies that the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which interim injunction was granted. But the pendency of the Civil Revision Petition may hamper the early disposal. However, since the relief sought for is only for a speedy disposal of the interlocutory application, a direction is given to the learned District Munsif, Mettupalayam at Coimbatore to dispose of I.A.No.364 of 2017 in O.S.No.138 of 2017 within a period of one month from the date of receipt of a copy of this order.

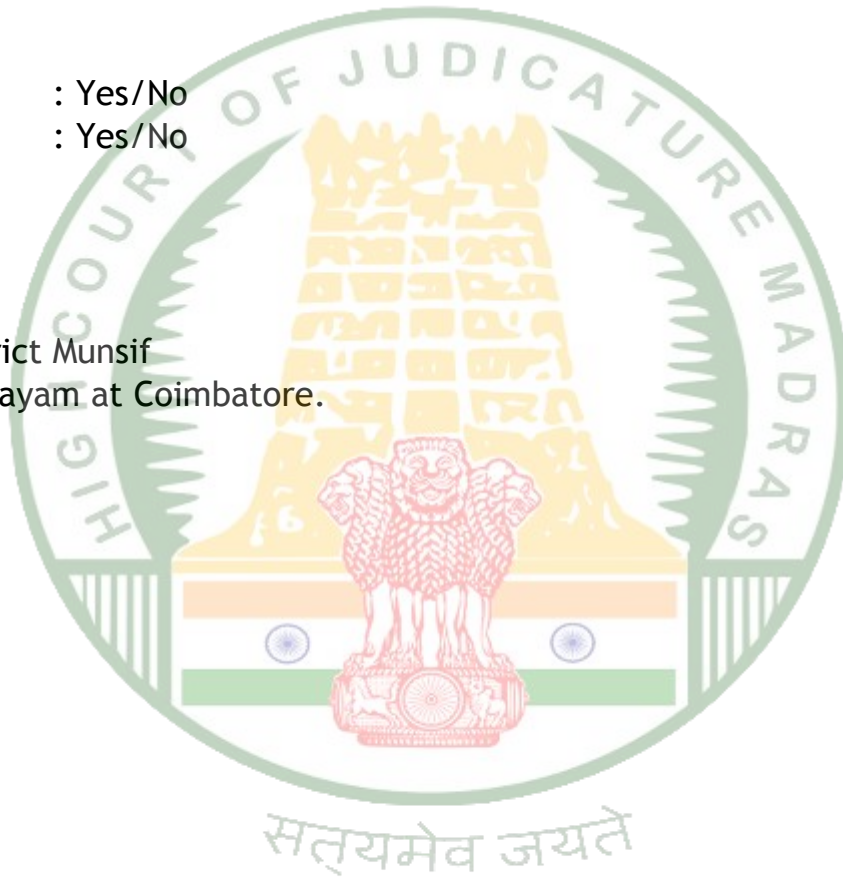
5. The Civil Revision Petition is disposed of with the above direction. No costs.

07.08.2017

Index : Yes/No
Internet : Yes/No
VV/TK

To

The District Munsif
Mettupalayam at Coimbatore.



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M.GOVINDARAJ, J.

TK



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07.08.2017