

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD) No.3308 of 2014

V.Ramkumar

..Petitioner

-VS-

P.M.Rangasami

..Respondent

Petition filed under Article 227 of the Constitution of India, praying against the fair and decretal order dated 25.10.2013 passed in C.M.A.No.31 of 2013 on the file of Sub Judge, Poonamallee, reversing the fair and decretal order dated 29.01.2013 passed in I.A.No.1391 of 2012 in O.S.No.377 of 2012 on the file of District Munsif Court, Ambattur.

For Petitioner : Mr.T.Ravikumar Paul, Sr.Counsel
for M/s.T.Jayalakshmi

For Respondent : Mr.P.M.Rangasami
Party-in-person

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ORDER

Challenging the fair and decretal order passed in C.M.A.No.31 of 2013 on the file of Subordinate Court, Poonamallee, reversing the fair and decretal order passed in I.A.No.1391 of 2012 in O.S.No.377 of 2012 on the file of District Munsif Court, Ambattur, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.377 of 2012 for permanent injunction. In the said suit, the plaintiff filed an application in I.A.No.1391 of 2012 for ad-interim injunction. The defendant filed his counter and opposed the application. The trial Court, taking into consideration the case of both the parties, granted the order of ad- interim injunction. Aggrieved over the same, the defendant has filed an appeal in C.M.A.No.31 of 2013 and the lower Appellate Court reversed the fair and decretal order passed by the trial Court and allowed the appeal, against which the plaintiff has filed the above Civil Revision Petition.

3.Heard Mr.Ravikumar Paul, learned Senior Counsel appearing for the petitioner and Mr.P.M.Rangasami, the respondent appearing in person.

4.The trial Court allowed the application in I.A.No.1391 of 2012 by its order dated 29.01.2013. By the fair and decretal order dated 25.10.2013, the lower Appellate Court reversed the fair and decretal order of the trial Court and allowed the appeal in C.M.A.No.31 of 2013.

5.Admittedly, the petitioner / plaintiff did not have the benefit of interim injunction for more than three years, that is, from 25.10.2013 till this date. The suit has been filed by the plaintiff for permanent injunction and therefore, I am of the view that granting an order of injunction after a lapse of nearly 3 1/2 years would affect the progress of the suit. It is also brought to the notice of this Court that the defendant had already filed his written statement and the trial Court has also framed issues for trial. Since the suit is ripe for trial, I am of the view that instead of going into the merits of the order passed in C.M.A.No.31 of 2013, the trial Court can be directed to

dispose of the suit within a time frame considering the issues framed in the suit.

5. Accordingly, the fair and decretal order passed in C.M.A.No.31 of 2013 are confirmed. It is brought to the notice of this Court that the suit in O.S.No.377 of 2012 pending on the file of District Munsif Court, Ambattur, has been transferred to the file of Principal District Munsif Court, Poonamallee and re-numbered as O.S.No.215 of 2014. I direct the learned Principal District Munsif, Poonamallee to dispose of the suit in O.S.No.215 of 2014 on merits and in accordance with law, without being influenced by any of the observations made in C.M.A.No.31 of 2013 and in I.A.No.1391 of 2012 in O.S.No.377 of 2012, within four (4) months from the date of receipt of a copy of this order.

5. With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

21.03.2017

Speaking/Non-speaking order

Index : No
Internet : Yes

sra

To

- 1.The District Munsif, Ambattur.
- 2.The Principal District Munsif, Poonamallee.
- 3.The Subordinate Judge, Poonamallee.

M.Duraiswamy, J.

(sra)

C.R.P.(PD) No.3846 of 2016

21.03.2017
<http://www.judis.nic.in>