

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4155 of 2017

P. Meenakshi Sundaram

... Petitioner

Vs

1. Shri Meenaakshi Matriculation School
Managed by Meenaakshi Charitable
Trust, Rep. By its Administrator/
Correspondent P. Annamalai
Madukkarai Market Road
Sundarapuram Post
Coimbatore - 641 021.

2. P. Anand

3. P. Meenakshi

4. A. Karuppiah

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to direct the III Additional District Munsif Court, Coimbatore to consider the I.A. No.42 of 2017 in O.S.No. 52 of 2017 and dispose of the same within such time frame as fixed by this Court.

For Petitioner : Mr. Ilanthiraiyan
for M/s. Sai and Bharath and Ilan

ORDER

This revision is filed seeking to direct the III Additional District Munsif Court, Coimbatore to consider the I.A. No.42 of 2017 in O.S.No. 52 of 2017 and dispose of the same within a stipulated time.

2. The learned counsel for the petitioner submitted that the 1st respondent has filed the suit in O.S. NO.52 of 2017 praying for permanent injunction against the revision petitioner, along with an Interlocutory Application in I.A. No.42/2017 for interim injunction. The court below granted an ex parte interim injunction on 09.01.2017. Hence, the revision petitioner filed I.A. No.452/2017, to vacate the said ex-parte order of injunction and I.A. No. 453/2017 praying for rejection of plaint. Since the applications have not been taken up for hearing and the same are adjourned from time to time, the present revision petition has been filed before this Court.

3. As submitted by the learned counsel for the petitioner, the applications to vacate the interim order and reject the plaint, in I.A.

Nos. 452/2017 and 453/2017 are adjourned from time to time without taking up for hearing, is against the provisions laid down in Order XXXIX Rule 3A of CPC, stating that the applications should be disposed of within a period of 30 days from the date on which injunction has been granted. It is useful to extract Order XXXIX Rule 3A of CPC, which reads as follows :-

“ 3A . Court to dispose of application for injunction within thirty days.— 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 day from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability.”

This Court has also issued directions in similar cases to the court below to comply with the provisions laid down in Order XXXIX Rule 3(a) of CPC and dispose of the applications within the time frame. The court below ought not to have adjourned the matters simply without giving any reasons, against the said provisions.

4. Therefore, in the light of the provisions of Order XXXIX Rule 3(a) of CPC and considering the above facts and submissions of the learned counsel for the petitioner, this Court is inclined to direct the trial court to dispose of the I.A. No.42/2017 and other applications in I.A. No.452/2017, within a period of four weeks from the date of receipt of a copy of this order.

5. The Civil Revision Petition is disposed of, with the above direction. No order as to costs.

21.11.2017

Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy on 24.11.2017]

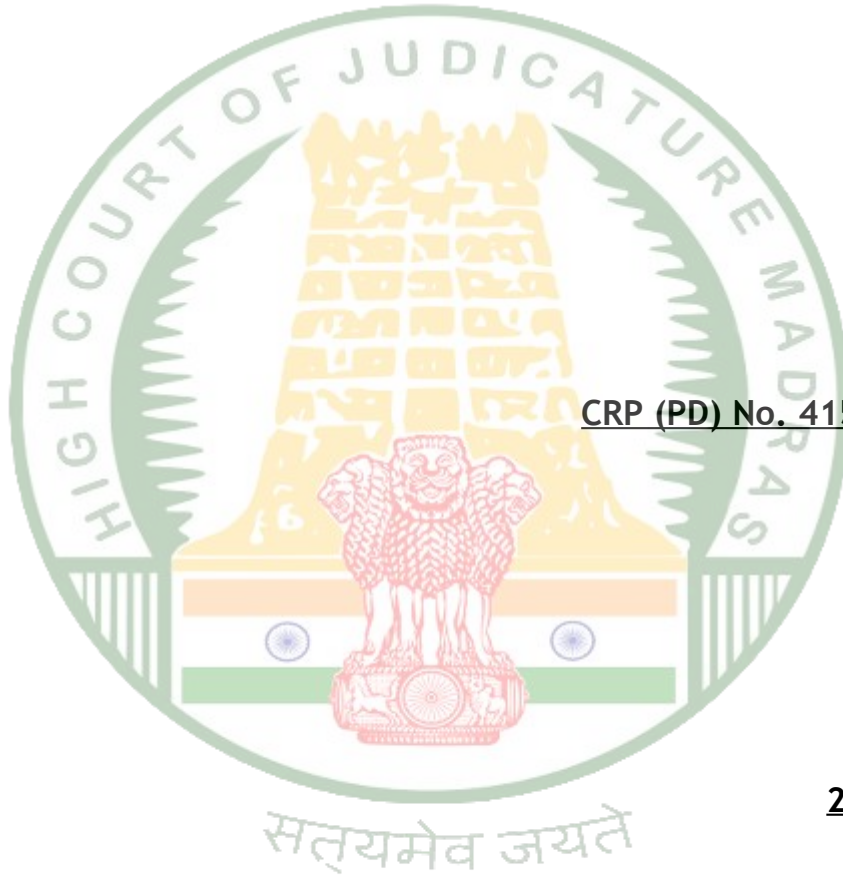
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To
The III Additional
District Munsif Court,
Coimbatore.

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D. KRISHNAKUMAR J.,

avr



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