

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.958 of 2017
and C.M.P.No.4766 of 2017

E.M.PR.Muthappan

... Petitioner

Vs.

1.Manicka Selvi

2.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 02.09.2016 made in I.A.No.11606 of 2016 in O.S.No.4588 of 2016 on the file of the VIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.K.Kumarasamy, Senior Counsel
for M/s.N.Chinnaraj

For Respondents : Mr.G.Anantharangan, Standing Counsel (R3)

ORDER

Challenging the order of status quo granted in I.A.No.11606 of 2016 in O.S.No.4588 of 2016 on the file of the VIII Assistant Judge, City Civil Court,

Chennai, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.4588 of 2016 for permanent injunction.

3.In the said suit, the plaintiff took out an application in I.A.No.11606 of 2016 under Order 39 Rules 1 & 2 of the Civil Procedure Code seeking for an order of interim injunction till the disposal of the suit. The trial Court, by its order dated 02.09.2016, granted an order of status quo till 16.09.2016.

4.Mr.A.K.Kumarasamy, learned senior counsel appearing for the petitioner submitted that taking advantage of the order of status quo granted by the trial Court, the defendants are continuing with their business of running a fitness centre without obtaining proper license from appropriate authorities. The learned senior counsel submitted that unless an order of injunction is granted, the plaintiff will be put to prejudice and hardship. Further, the learned senior counsel submitted that the trial Court had been adjourning the matter periodically from 02.09.2016 to till this date without disposing of the application.

5.It is also brought to the notice of this Court that the defendants have not filed their counter in the injunction application till today.

6.Having regard to the submissions made by the learned senior counsel for the petitioner, I am of the considered view that the trial Court can be directed to dispose of the application in I.A.No.11606 of 2016 within a time frame. Accordingly, I direct the VIII Assistant Judge, City Civil Court, Chennai, to dispose of the application in I.A.No.11606 of 2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and report the same to the Registry of this Court.

7.With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

14.03.2017

Note: Issue order copy on 15.03.2017.

To

The VIII Assistant Judge,

City Civil Court, Chennai.

M.DURAI SWAMY, J.
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