

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1848 of 2016
& C.M.P.No.9706 of 2016 and 11383 of 2016

1.Mr.John Mahool
2.Mrs.Ahila Mary
3.Mr.John Felix

... Petitioners

Vs.

1.Mr.Chares Joseph
2.Mrs.Angel
3.Mrs.Mary Vanaja
4.Mrs.Mary Sunitha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 20.04.2016 passed in I.A.No.1003 of 2015 in I.A.No.475 of 2015 in O.S.No.30 of 2015 on the file of II Additional District Judge, Thiruvalur at Poonamallee.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.D.B.R.Prabhu for
M/s.Dilaw Associates

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 20.04.2016 passed in I.A.No.1003 of 2015 in I.A.No.475 of 2015 in O.S.No.30 of 2015 on the file of II Additional District Judge, Thiruvalur at Poonamallee.

2. The petitioners are the defendants and the respondents are the plaintiffs. The respondents filed suit for partition against the petitioners. The respondents filed I.A.No.475 of 2015 for interim injunction restraining the petitioners from alienating the suit properties, till the disposal of the suit. Initially interim injunction was granted and the I.A. was posted for filing counter by the petitioners. The petitioners did not file any counter and hence the interim injunction was made absolute on 29.06.2015, till disposal of the suit.

3. The petitioners filed I.A.No.1003 of 2015 in I.A.No.475 of 2015 in O.S.No.30 of 2015 to set aside the exparte order of interim injunction. In the application, the learned counsel for the petitioners has stated that the counter to the injunction petition

was made ready and the same could not be filed into the court as he could not reach the court in time due to heavy traffic. The learned Judge has dismissed the application holding that the petitioners have not given valid reason for setting aside the exparte order and directed both the parties to produce the witnesses and complete the trial within three months.

4. Against the order of dismissal dated 20.04.2015 passed I.A.No.1003 of 2015 in I.A.No.475 of 2015 in O.S.No.30 of 2015, the petitioners have come up with the present civil revision petition.

5. Heard the learned counsel for the petitioners, respondents and perused the materials available on record.

6. From the materials available on record and the impugned order of the learned Judge, I do not find any illegality or irregularity warranting interference by this Court. Further, the learned Judge has directed the parties to produce witness and complete the trial, within three months.

7. For the above reasons, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. The learned Judge is directed to dispose of the suit, without being influenced with the order passed by this Court, as expeditiously as possible, not later than three (3) months from the date of receipt of a copy of this order.

13.06.2017

Index : Yes
rgr

To

The II Additional District Judge,
Thiruvalur at Poonamallee.

V.M.VELUMANI, J.

rgr

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