

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE **K.K.SASIDHARAN**

CRP (PD)Nos. 3550 & 3551 of 2013,
M.P. No.1 of 2013 and
CMP No.7000 of 2017

1.Velumani
2.Jeyalakshmi
3.Vairamani
4.Kalaimani
5.Thatchinamoorthy

...Petitioners in both CRPs
...5th Petitioner in CRP
No.3550 of 2013

Vs.

1.Rajendran
2.Krishnamoorthy
3.Arumugam
4.Marakkal
5.Chinnammal

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal orders dated 24.09.2012 passed in CMA Nos.10 and 11 of 2012 on the file of II Additional Sub Court, Salem reversing the fair and decreetal order dated 04.11.2011 passed in I.A.No.1677 of 2011 and I.A.No.1713 of 2011 in I.A.No.1677 of 2011 respectively in O.S.No.928 of 2011 on the file of I Addl. District Munsif Court, Salem.

For Petitioners : Mr.P.Jagadeesan

For Respondents : Mr.K.Selvaraj

ORDER

The petitioners filed a suit for permanent injunction in O.S.No.605 of 2010 before the III Additional District Munsif, Salem. The respondents on the other hand filed a suit in O.S.No.928 of 2011 before the I Additional District Munsif, Salem with respect to the very same property, which is the subject matter in O.S.No.605 of 2010.

2. Before the Trial Court, the respondents filed an application in I.A.No.1677 of 2011 for interim injunction. There was an interim injunction granted by the Trial Court. The petitioners on appearance before the Court filed application to vacate the injunction. The learned I Additional District Munsif, Salem dismissed the application in I.A.No.1677 of 2011 filed by the respondents and allowed the application filed by the petitioners. Feeling aggrieved by the order passed by the learned I Additional District Munsif, Salem, the respondents filed two Civil Miscellaneous Appeals before the II Additional Sub-Court, Salem in

C.M.A.Nos.10 and 11 of 2012. The learned II Additional Sub-Judge, Salem allowed the appeals and granted interlocutory injunction. The said order is under challenge in these two revision petitions.

3. I have heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. The factual matrix indicates that subsequent to the grant of interlocutory injunction by the II Additional Sub-Judge, Salem in C.M.A.Nos.10 and 11 of 2012, the respondents moved the Principal District Judge, Salem for withdrawal of the suit in O.S.No.605 of 2010 and transfer the same to the file of I Additional District Munsif, Salem for joint trial along with O.S.No.928 of 2011. The learned I Additional District Munsif is now seized of the matter.

5. The interlocutory injunction was granted by the learned II Additional Sub-Judge, Salem on 24 September, 2012. There was no suspension of injunction by this Court. Therefore, it is evident that the injunction is still in force. There is no question of vacating the interlocutory injunction at this point of time. I am informed by the learned counsel

across the bar that the suit is now posted for evidence on 6 June 2017.

K.K.SASIDHARAN,J.

(svki)

Since the suit is now posed for trial, I am of the view that there is no need to adjudicate the merits of the matter. It would suffice if a direction is issued to the Trial Court to dispose of the suits as expeditiously as possible.

6. The I Additional District Munsif, Salem, is directed to dispose of the suits in O.S.Nos.605 of 2010 and 928 of 2011 as expeditiously as possible and in any case within a period of six months from the date of receipt of a copy of this order.

7. The Civil Revision Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2017

To

1.The II Additional Sub-Court, Salem

2.I Addl. District Munsif, Salem.