



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD)No. 1074 of 2014

and

M.P(MD) No.1 of 2014

1.Jainulbhurhaniya Banu
2.Rosana Banu
3.Syed Abuuthakir
4.Azharuddin

...Appellants/Petitioners/Plaintiffs
Vs.

1.Naachiarammal
2.Mangaleshwari
3.Sivakunam
4.Yogammal
5.Eswari

...Respondents/Respondents/Defendants

Prayer: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of CPC, against the Fair and decreetal Order in I.A.No.78/2012 in O.S.No.6/2012 on the file of Additional District Court, Ramanathapuram, dated 19.06.2014.

For Appellants	: Mr.S.Muthukrishnan
For Respondents	: Mr.T.R.Jeyapalam
	for R.3 and R.4
	: R.1-Tapal due
	: No Appearance
	for R.2 and R.5

JUDGMENT

The above Civil Miscellaneous Appeal has been filed by the appellants/plaintiffs in O.S.No.6 of 2012, against the Fair and decreetal Order in I.A.No.78/2012 in O.S.No.6/2012 on the file of Additional District Court, Ramanathapuram, dated 19.06.2014.

2. Heard the learned Counsel for the appellants and the learned Counsel appearing for the respondents 3 and 4 and perused the materials available on record.

3. The learned Counsel for the appellants/petitioners would submit that they filed an interlocutory application in I.A.No.78 of 2012 before the trial Court for granting an order of injunction restraining the respondents from alienating or encumbering the



suit property. However, the trial Court dismissed the application filed by the appellants. Hence, they have filed the present Civil Miscellaneous Appeal.

4. The learned Counsel for the respondents 2 and 3 would submit that the respondents will not alienate or encumber the suit property and however, he prays for speedy disposal of the suit in O.S.No.6 of 2012, which is pending before the file of Additional District Court, Ramanathapuram.

5. Recording the submission made by the learned Counsel for the respondents 2 and 3, the order passed by the trial Court in I.A.No.78 of 2012, dated 19.06.2014, on the file of the Additional District Court, Ramanathapuram is set aside. Accordingly, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed. The learned Additional District Judge, Ramanathapuram is directed to dispose of the suit in O.S.No.6 of 2012, on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Additional District Judge,
Ramanathapuram.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.MUTHUKRISHNAN Advocate in SR. No. 77184

SSL/KM

JS/GT/SAR.2/27.09.2017/ 2P-4C

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