



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE R.SUBRAMANIAN

C.M.A.(MD)No.252 of 2016

and

C.M.P.(MD).No.3498 of 2016

1.Sundararaju

2.Lakshmi

3.S.Kannan

4.S.Sekar

.. Appellants / Respondents 1 to 4
/ Defendants 1 to 4

Vs.

1.S.Palani alias Sundar .. 1st Respondent / Petitioner /
Plaintiff

2.S.Kesavan .. 2nd Respondent/Respondent No.5
/ 5th Defendants

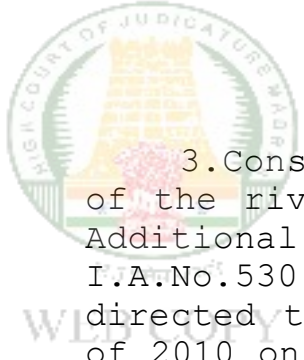
Prayer: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., against the fair and decreetal order, dated 16.12.2015, made in I.A.No.530 of 2010 in O.S.No.218 of 2010, on the file of the 1st Additional District Judge, Madurai.

For Appellant	: Mr.V.Srikanth
	for M/s. M.Veera Raghavan
For R1	: Mr.V.Ramakrishnan
	R2-given up

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the fair and decreetal order, dated 16.12.2015 by which an interim order of *status quo* was granted in view of the disinclination on the part of the learned counsel for the respondent to argue I.A.No.530 of 2010. In my considered opinion, this order is not an appealable order at all, since the rights of the parties has not been decided.

2.Considering the fact that this appeal has been pending for more than a year and the fact that the application in I.A.No.530 of 2010 has been pending for nearly seven years, I called for a report from the learned I-Additional District Judge, Madurai. The report has been filed by the learned I-Additional District Judge, Madurai, from which it may be gathered that both the parties to the suit are not co-operating with the Court to dispose of I.A.No.530 of 2010. It is also submitted that O.S.No.218 of 2010 is pending in a part heard stage.



3. Considering all these facts, without going into the merits of the rival claims, there will be a direction to the learned I-Additional District Judge, Madurai, to hear and dispose of I.A.No.530 of 2010 on or before 28.04.2017. Both the parties are directed to co-operate with the Court in disposing of I.A.No.530 of 2010 on or before 28.04.2017. In the event of failure of either parties to get along with the I.A.No.530 of 2010, the Court will be free to pass any orders as it deem fit.

4. With the above direction, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The I-Additional District Judge,
Madurai.

+1cc to Mr.V.Srikanth, Advocate, SR.52308
+1cc to Mr.V.Ramakrishnan, Advocate, SR.52133

C.M.A.MD) No.252 of 2016
17.04.2017

PJL
kk/SKN RSK/SAR2-18.02.2017-2P-4C