

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**CRP(PD) (MD) No.1665 of 2017**

1. The President,
Tiruchirapalli Co-operative House
Construction Society Ltd R.786,
Tiruchirapalli-620 018.
2. The Secretary,
Tiruchirapalli Co-operative House
Construction Society Ltd R.786,
Tiruchirapalli-620 018.

... Petitioners/Respondents/Defendants

vs.

S.Girija Sundaram(Member No.4778)

... Respondent/Petitioner/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the I Additional Sub Court, Trichy to dispose the injunction application made in I.A.No.320 of 2017 in O.S.No.498 of 2017 within a time stipulated by this Court.

For Petitioners : Mr.D.Sadiq Raja
For Respondent : Mr.Shangar Murali

O R D E R

This revision petition has been filed for early disposal of the injunction application made in I.A.No.320 of 2017 in O.S.No.498 of 2017 on the file of the I Additional Sub Court, Trichy.

2.Heard Mr.D.Sadiq Raja, learned counsel appearing for the petitioners and Mr.Shangar Murali, learned counsel appearing for the respondent.

3.The petitioners are the defendants and the respondent is the plaintiff in the suit in O.S.No.498 of 2017 and the respondent herein filed a suit for declaration and specific performance and he has also filed I.A.No.320 of 2017 for interim injunction restraining the defendants and their men from encumbering or alienating the suit property to any third parties, pending the disposal of the suit.



4.The learned counsel for the petitioners would submit that the learned I Additional Subordinate Judge, Tiruchirapalli has entertained the suit and passed an ex-parte order of injunction on 24.04.2017. He further submitted that though the learned counsel for the petitioners was present, the matter has been adjourned only at the instance of the respondent. He further submitted that as per Order 39 Rule 3 (A) of CPC, when an injunction has been granted without notice to the opposite party, the Court shall make an endeavour to dispose of the application within 30 days from the date on which, the order of injunction was granted, but the Court below has failed to do so. He further submitted that ex-parte injunction was granted on 24.04.2017 and counter was also filed on 05.07.2017 and thereafter, the matter has been simply adjourned, without any progress. Therefore, this petition has been filed for early disposal of the above I.A.

5.The learned counsel for the respondent has no objection for early disposal of the said petition as sought for.

6.Considering the aforesaid submissions, this Court feels that ends of justice would be met by directing the Court below to dispose of the above said petition within a time frame. Accordingly, advertent to the merits of the case, this Court directs the learned I Additional Subordinate Judge, Trichy, to dispose of the petition in I.A.No.320 of 2017 on its file, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The I Additional Subordinate Judge,
Trichy.

+1cc to M/S.D.SADIQ RAJA, Advocate SR.No.84412.

+1cc to M/S.SHANGAR MURALI, Advocate SR.No.84706.

CRP(PD) (MD)No.1665 of 2017
30.10.2017