

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1304 of 2018

R.Vijaya

... Petitioner

Vs.

1. Adhimoolam

2. Narayanan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the trial Court to expedite and dispose of the proceedings in I.A.No.124 of 2018 in O.S.No.18 of 2018 on the file of the Principal District Munsif, Cheyyar by allowing this Civil Revision Petition.

For Petitioner : Mr.A.V.Arun

ORDER

The relief sought for in this revision is to direct the trial Court to expedite and dispose of the proceedings made in I.A.No.124 of 2018 in O.S.No.18 of 2018 on the file of the Principal District Munsif, Cheyyar.

2. The Revision petitioner is the plaintiff before the learned Principal District Munsif, Cheyyar, filed the suit in O.S.No.18 of 2018 against the respondents herein for declaration and permanent injunction.

3. The petitioner filed the Interlocutory application under Order XXXIX and Rule 1 CPC before the trial Court in I.A.No.124 of 2018 in O.S.No.18 of 2018 for grant of Interim injunction.

4. The learned counsel for the petitioner submitted that the notice was ordered and subsequently, the respondent entered appearance in the said Interlocutory Application.

5. The case of the petitioner is that though the respondents herein have entered appearance in the Trial Court in the Interlocutory Application, they are not cooperating for early disposal of the application and the trial Court also leniently granting time to the respondents and there is an urgency for disposal of the application.

6. Therefore, the petitioner sought the relief under Article 227 of Constitution of India, before this Court to issue a suitable direction for early

disposal of the Interlocutory Application in I.A.No.124 of 2018 on the file of learned Principal District Munsif, Cheyyar.

7. Heard the learned counsel for the petitioner and perused the available records.

8. On a perusal of records, it is seen that the petitioner filed the O.S.No.18 of 2018 on the file of the learned Principal District Munsif, Cheyyar. Further, along with the suit, the petitioner filed the application in I.A.No.124 of 2018 for interim injunction which was taken on 29.01.2018. Though the respondents entered appearance in the said application through their counsel, they have not filed any counter. Then it was adjourned to 09.03.2018. Docket order shows that time was extended for filing counter and it was posted on 09.04.2018.

9. Since the learned counsel for the revision petitioner would contend that there is an urgency in the disposal of the Interlocutory Application and also as the application is for temporary injunction, the Trial Court should have taken up the said application for disposal. However, it is seen that the Court below adjourned the matter without considering the urgency and the

P.VELMURUGAN, J.,

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respondents have not cooperated with the trial Court for disposal of the interim application. Though sufficient time was granted, the counter was not filed by the respondents.

10. In such circumstances, this Court exercising its power under Article 227 of the Constitution of India on merits, directs the Trial Court to dispose the Interlocutory Application in I.A.No.124 of 2018 in O.S.No.18 of 2018 on or before 14.06.2018 by giving an opportunity to both the parties in accordance with law.

13.04.2018

Index:Yes/No

Speaking order / Non speaking order
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To
The Principal District Munsif,
Cheyyar.

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C.R.P.(PD).No.1304 of 2018