

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CRP.PD.Nos.1329 & 1330 of 2018
and CMP.No.6937 of 2018

1.Dhandapani
2.Sivakumar
3.Vasanthakumar
4.Kutti @ Mohankumar .. Petitioners in both CRPs.

Vs.

1.Saraswathi
2.Kovai Medical Centre research and
Educational Trust Rep.by its Trustee
Thavamanidevi,
Avinashi road, Coimbatore 641 014. .. Respondents in both CRPs.

COMMON PRAYER: Civil Revision Petitions filed under Section 227 of the Constitution of India to dispose of the applications in I.A.No.1830 of 2016 and I.A.No.215 of 2017 in O.S.No.1689 of 2016 on the file of the Principal District Munsif Court, Coimbatore.

For petitioner : Mr.C.R.Prasanan
(in both CRPs.)

COMMON ORDER

This civil revision petitions have been filed to dispose of the applications in I.A.No.1830 of 2016 and I.A.No.215 of 2017 in O.S.No.1689 of 2016 on the file of the learned Principal District Munsif, Coimbatore.

2. The defendants 2 to 5 in O.S.No.1689 of 2016 on the file of the Principal District Munsif Court, Coimbatore, are the revision petitioners herein.

3. According to the petitioners, the first respondent herein filed the suit in O.S.No.1203 of 1999 seeking permanent injunction restraining the defendants from interfering with his alleged possession, the revision petitioners and other defendants contested the suit by filing the written statement. Previously, the suit was dismissed on two occasions and finally the suit was dismissed on 03.03.2016 which order has become final. The first respondent herein filed the present suit in O.S.No.1689 of 2016 seeking permanent injunction, after dismissal of the suit in O.S.No.1203 of 1999. The property dealt under both the suits in O.S.No.1203 of 1999 and the present suit in O.S.No.1689 of 2016 are one and the same. On 07.11.2016, the first respondent has filed an application in I.A.No.1830 of 2016 seeking temporary injunction and the trial Court has granted an order of ad-interim injunction on the same day and hence, the matter was posted on various

occasions for filing counter and interim injunction already granted was extended by the trial court time to time. On 19.12.2016, after hearing the arguments of the learned counsel for both sides and the matter was posted for orders on 03.01.2017. On 03.01.2017, orders were not ready and the case was adjourned to 11.01.2017 under the same caption. Subsequently, the revision petitioners have filed yet another application in I.A.No.215 of 2017 to reject the plaint and the same was pending. On 27.04.2017, both the applications in I.A.Nos.1830 of 2016 and 215 of 2017 were taken up for enquiry and the respondents sought adjournment for filing transfer O.P. to some other Court and thereafter, the matter was adjourned on several occasions. An ad-interim injunction already granted was extended for more than 1 ½ years, the Court below is not interested to dispose of the applications. Hence, the petitioners have filed the present civil revision petitions before this Court.

4. The learned counsel for the petitioners would submit that the first respondent has filed a suit in O.S.No.1689 of 2016 before the Principal District Munsif Court, Coimbatore for permanent injunction. In the aforesaid suit, the first respondent herein has filed an application in IA.No.1830 of 2016 seeking temporary injunction and an order of exparte ad-interim injunction was granted against the petitioners. The revision

petitioners have filed an application in I.A.No.215 of 2017 to reject the plaint, both the applications were pending before the trial Court. At this stage, filing the present Civil Revision Petition seeking for a direction to the court below to dispose of the above applications within a time frame, cannot be entertained.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. On a perusal of the records would go to show that the suit is pending from the year 1999 and the applications filed for temporary injunction and rejection of the plaint were pending from 07.11.2016 to 27.10.2017. Therefore, this Court having satisfied with the reasons stated in the affidavit filed by the petitioners that after getting an order of interim injunction, the respondents are protracting the proceedings, is inclined to pass the following orders:

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- i) The learned Principal District Munsif, Coimbatore is directed to dispose of the applications in I.A.No.1830 of 2016 and I.A.No.215 of 2017 in O.S.No.1689 of 2016 on merits and in accordance with law, as expeditiously as possible, preferably, on or before

before 27.04.2018 after giving notice to both the parties concerned.

ii) Both the parties are directed to co-operate for speedy disposal of the cases before the trial court without seeking any further adjournments.

With the above directions, these civil revision petitions are allowed.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
Speaking/Speaking Order
kkd

Note : Issue order copy on 13.04.2018

To
The Principal District Munsif Court,
Coimbatore.

10.04.2018

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P.VELMURUGAN,J.

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