

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No. 3106 of 2012

1. Trinite Marie Theresa Helene Spielman
 2. Francoise Partricia Neela Triite
 3. Patrick Proper Trinite
 4. Ludovic Joseph Trinite
 5. Trinite Evelynne Marie Sebestine Vidjeya
 6. Trinite Christine Marie Brema
- ... Appellants/
L.Rs. of the Plaintiffs

(Appellants 2 to 6 brought on records as
L.Rs. of the deceased sole 1st appellant
vide order dated 28.06.2016 made in
CMP No.1994 to 1996 of 2016 in
CMA No.3106 of 2012)

Vs.

1. Ludovic Spielmann
 2. Maurice Spielmann
- ... Respondents/
Defendants

Prayer:- This Civil Miscellaneous Appeal is filed against
the order and Decreetal Order dated 30.05.2011 made in I.A.No.
97 of 2007 in O.S.No.34 of 2007 on the file of the Court of the
3rd Additional District Judge, Puducherry.

For Appellants : Mr.T.P.Manoharan, Senior Counsel
for Mr.K.P.Jotheeswaran

For Respondent-1 : Mr.R.Annadurai

For Respondent-2 : No Appearance

J U D G M E N T

Challenging the Order dated 30.05.2011 in I.A.No. 97 of 2007
in O.S.No.34 of 2007 on the file of the III Additional District
Judge, Puducherry, the appellants have preferred this Civil

Miscellaneous Appeal.

2. When the matter is taken up for hearing, it is argued by the learned counsel for the appellant that the application in I.A.No. 97 of 2007 in O.S.No.34 of 2007 was dismissed by the Court below and as against the same the appellants are before this Court seeking an order of exparte interim injunction preferred by the 1st appellant. He would further submit that this Court, by an order dated 29.10.2012, granted an order of Interim Injunction in M.P.No.1 of 2012 in C.M.A.No.3106 of 2012 and the said order is still in existence for the past 6 years.

3. Since, this Court has already granted an order of interim injunction in M.P.No.1 of 2012 in C.M.A.No. 3106 of 2012 dated 29.10.2012 which is still in force, this appeal is disposed of by remitting back the matter to the Court below for consideration and disposal. The learned III Additional District Judge, Puducherry is directed to dispose of the suit in O.S.No.34 of 2007 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

4. The interim injunction granted by this Court on 29.10.2012 is made absolute till the disposal of the suit in O.S.No. 34 of 2007. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smn

To

1.The III Additional District Judge,
Puducherry.

2. The Section Officer,
V.R. Section, High Court, Madras.

+1 cc to Mr.T.Dhanasekaran, Advocate SR.No.88296

+1 cc to Mr.K.P.Jotheeswaran, Advocate SR.No.88157

C.M.A.No. 26 of 2001

PA(CO)
CSL/11.02.2019