

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.06.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**

CRP(PD)Nos.1577 and 1578 of 2018

Mr.Prince Krishnan

.. Petitioner
in both petitions

vs.

1.V.A.Subramani

2.Mrs.Anitha Subramani

3.Devika

4.Dwarak

5.K.Velayan

.. Respondents
in both petitions

Civil Revision Petitions filed under Article 227 of the Constitution of India to direct the XIII Assistant City Civil Court, Chennai to expedite and dispose of I.A.Nos.6968 and 6969 of 2017 in I.A.No.15526 of 2016 in O.S.No.3543 of 2015 pending on the file of the XIII Assistant City Civil Court, Chennai.

For Petitioner

... Mr.Ramasubramaniam Raja
(for both petitions)

COMMON ORDER

These Civil Revision Petitions have been filed by the petitioner seeking a direction to direct the XIII Assistant City Civil Court, Chennai to expedite and dispose of I.A.Nos.6968 and 6969 of 2017 in I.A.No.15526 of 2016 in O.S.No.3543 of 2015 pending on its file.

2. The brief facts of the case are as follows: The petitioner /plaintiff filed a suit in O.S.No.3543 of 2015 under Order VII Rule 1 CPC seeking for permanent injunction restraining the respondents 1 to 4/defendants 1 to 4 from interfering with the petitioner's possession and enjoyment of the suit property by way of trespassing. Pending the suit, the petitioner filed an application in I.A.No.15526 of 2017 to grant an order of ad interim injunction and the same was allowed by order dated 28.03.2017 in favour of the petitioner restraining the respondents from interfering with peaceful possession without due process of law till disposal of the suit. Again, the petitioner filed I.A.Nos.6968 and 6969 of 2017 to punish the respondents 1 to 4 by detaining them in the Civil Prison for a period of six months and to pass an order to break open the suit shop with police aid from the Inspector of police, J-2 Police Station, Adyar, Chennai.

3. The learned counsel for the petitioner submitted that the Court below has granted an order of ad interim injunction in I.A.No.15526 of 2017 restraining the respondents from interfering with peaceful possession without due process of law till disposal of the suit. But, the respondents have not complied with the said order. Hence, the petitioner filed I.A.Nos.6968 and 6969 of 2017 and the same were pending without any progress. Hence, the petitioner cannot carry on his business in the premises. Therefore, the learned counsel requests this Court that a direction may be issued to the trial Court to dispose of I.A.Nos.6968 and 6969 of 2017 as expeditiously as possible.

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

5. On a perusal of records, it is seen that both the applications are pending without any progress and the same were simply adjourned for several times without stating any reasons and already pleadings were completed.

6. Considering the aforesaid facts and circumstances of the case and also considering the request made by the learned counsel for the petitioner, this Court directs the learned XIII Assistant Judge, City

P.VELMURUGAN.J,

cla

Civil Court, Chennai to expedite and dispose of I.A.Nos.6968 and 6969 of 2017 in I.A.No.15526 of 2016 in O.S.No.3543 of 2015. Since the suit itself filed only for bare injunction and pleadings are already completed, the learned Trial judge is further directed to dispose of the suit in O.S.No.3543 of 2015 within a period of three months from the date of receipt of a copy of this order.

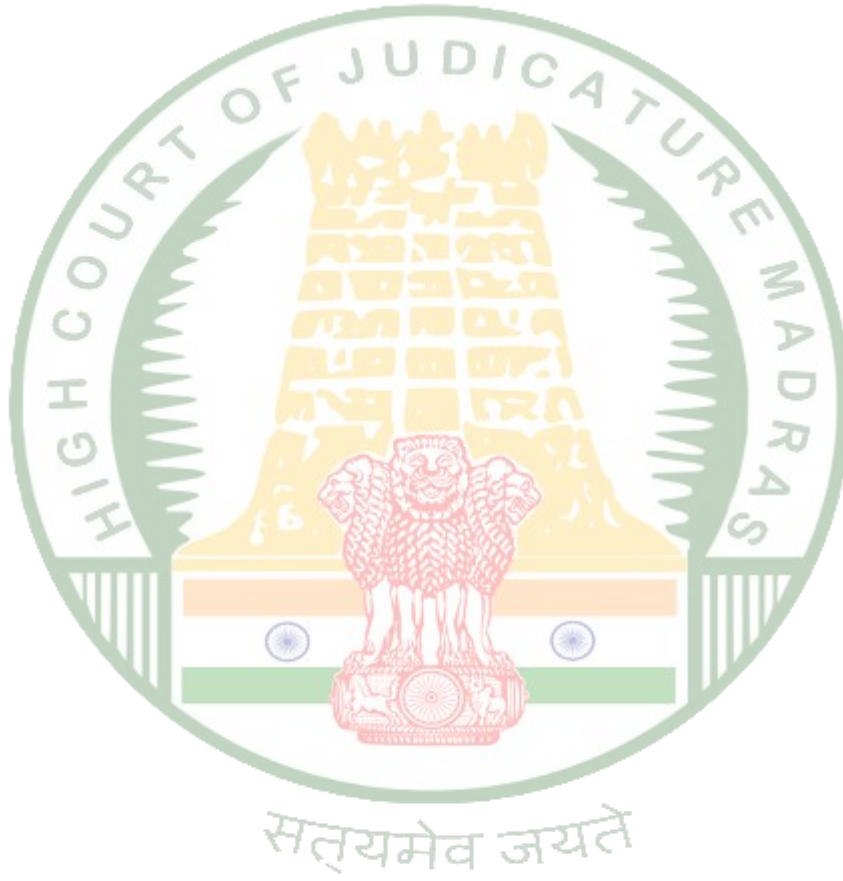
With the above directions, the Civil Revision Petitions are allowed. No costs.

04.06.2018

Index:Yes/No
Speaking Order:Yes/No
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To
The Registrar,
City Civil Court,
Chennai.

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1578 of 2018



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