

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

C.M.A.No.541 of 2013
and M.P.No.1 of 2013

Ashok Kumar

...Appellant

vs.

1. Minor Lakshmi Priya

2. Minor Balaji
Represented by Guardian
mother - Santhakumari
No.25/31, Chinna Bazaar Street,
Chidambaram.

3. Ragevendaran

4. Minor Sudharshanan
Represented by Guardian
Father - Ashok Kumar,
Old No.8, New No.28,
Chinna Bazaar Street,
Chidambaram.

5. Nagarajan

... Respondents

Civil Miscellaneous Appeal filed under order XL III Rule (1) (r) of Civil Procedure Code against the order dated 21.12.2012 made in I.A.No.506/2012 in O.S.No.180/12 on the file of the Principal District Judge, Cuddalore.

For Appellants : M/S.T.Girish for
M/s. Srinath Sridevan

For Respondents : M/s. A.Muthukumar for R1 & R2

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the order passed in I.A.No.506 of 2012 in O.S.180 of 2012 dated 21.12.2012 on the file of Principal District Judge, Cuddalore.

2. The respondent is the appellant before this Court. The learned District Judge, Cuddalore while considering the injunction application has observed as under:-

" 7. Therefore on this ground the order of injunction passed already is made absolute till a period of four months from this date i.e., 21.04.2013. Meanwhile the parties are at liberty to proceed with the trial and ensure the disposal of the suit itself. In the event if the suit is not disposed by then the parties are at liberty to approach this Court for further orders. The point is therefore answered in the manner indicated herein".

3. The injunction order which was already granted was made absolute, but ironically it was restricted only to a period of four months and the parties were directed to approach the Court for further orders, if the suit is not disposed of within four months. It is well known that while making any interim order absolute, it will continue till the disposal of the proceedings. Similarly the order is limited to four months and the parties are directed to approach the Court for extension then and there. Probably the learned Judge had passed such an order with an intention to dispose of the suit within four months.

4. The learned counsel for the parties would submit that the suit is still pending on the file of the II Additional District Judge, Chidambaram. In such circumstances, it would suffice to give a direction to the Court to dispose of the suit within the specified time and the injunction/order shall continue till the disposal of the suit.

5. In such circumstances, a direction is issued to the learned II Additional District Judge, Chidambaram to dispose of the suit in O.S.No.180 of 2012 on the file of the Principal District Judge, Cuddalore, which is now pending before the II Additional District Judge, Chidambaram within a period of three months from the date of receipt of a copy of this order. The injunction order shall continue till the disposal of the suit.

6. With the above directions, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Principal District Judge, Cuddalore.

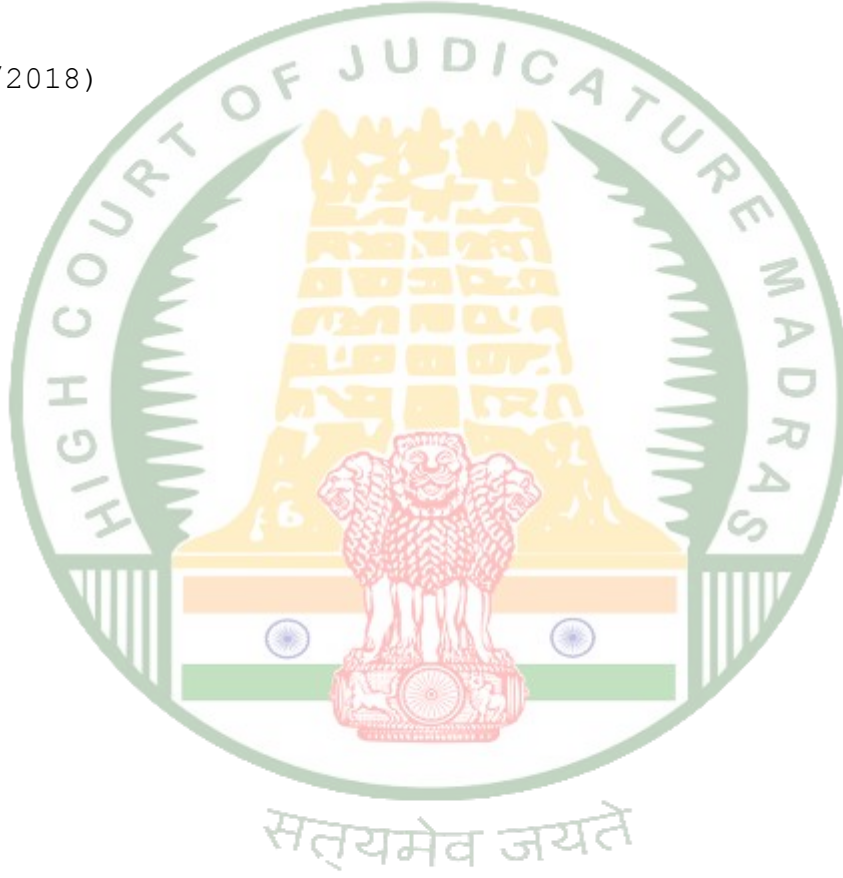
2. The II Additional District Judge, Chidambaram.

+1cc to Mr.A.Muthukumar, Advocate, S.R.No.15773

C.M.A.No.541 of 2013
and M.P.No.1 of 2013

RJI (CO)

RRK (03/05/2018)



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