



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2018

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THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .No.1037 of 2018

1.Thiraviyam
2.Adaikkalamary

... Petitioners/Plaintiffs

Vs.

The Pudukkottai Municipality
rep. by the Commissioner,
having his office at South 4th Street,
Jail Road, Opp to PWD Office,
Pudukkottai.

... Respondent/Defendant

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Pudukkottai to dispose the I.A.No. 597 of 2017 in O.S.No. 102 of 2017, as expeditiously as possible within a time frame stipulated by this Court.

For Petitioner

... Mr. D. Parisuthanathan

ORDER

The petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India praying for a direction to the learned District Munsif, Pudukkottai, to dispose of the I.A.No. 597 of 2017 in O.S.No. 102 of 2007, within a stipulated period of time.

2. Heard the learned counsel appearing for the petitioners. Since the case is for a limited relief of early disposal, no notice need be sent to the respondents.

3. The revision petitioners / plaintiffs have filed a suit in O.S.No.102 of 2007 on the file of the learned District Munsif, Pudukkottai, for permanent injunction. Further, the petitioners have also filed an Interlocutory Application in I.A.No. 597 of 2017 in O.S.No.102 of 2017 under Order 39 Rule 1 and 2 r/w. Section 151 of CPC for temporary injunction and the said application is pending from 2017 onwards without any progress. Hence, the petitioners have filed the present Civil Revision Petition seeking a direction to dispose the I.A.No.597 of



2017 within a stipulated time.

4. On perusal of the records, it is seen that the petitioners have filed an Interlocutory Application in I.A.No. 597 of 2017 under Order 39 Rule 1 and 2 r/w. Section 151 of CPC and the notice was ordered to respondent returnable by 06.06.2017 and the respondent also entered appearance through Advocate and thereafter, the matter is kept pending for more than one year without passing orders. Since the application filed for interim injunction, as per the civil procedure the application should be disposed of within a period of 90 days from the date of filing an application. But, the said application is pending for more than one year without any progress. Hence, this Court is inclined to dispose of the Civil Revision Petition with the following directions:

"The learned District Munsif, Pudukkottai, is directed to dispose of I.A.No. 597 of 2017 in O.S.No. 102 of 2017, pending on his file, on merits and in accordance with law, as early as possible, preferably within a period of 15 days from the date of receipt of a copy of this order, by giving notice to both parties and on passing orders in I.A.No. 597 of 2017 in O.S.No. 102 of 2017, the learned District Munsif, Pudukkottai, is directed to report the same before this Court within a period of 10 days, thereafter."

5. Accordingly, this Civil Revision Petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Pudukkottai.

Copy to:

The Registrar(Judicial),
Madurai Bench of madras High Court, Madurai.

+ 1 cc TO Mr.D.Parisuthanathan , Advocate in SR No. 66537

trp

AE/SV MMS/SAR4/11.06.2018/2P/4C

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