



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A(MD)No.531 of 2018
and C.M.P. (MD) No.6246 of 2018

1.Ramasamy Thevar @ Ravi Thevar
2.Muthulakshmi
3.Kanthimathi ... Appellants/Petitioners/Plaintiffs

Vs.

1.Rama Lakshmi
2.Selva Kumaran ... Respondents/Respondents/Defendants

PRAYER:- Civil Miscellaneous Appeal filed under Order 43 Rule (1) (c) of C.P.C to call for the entire records connected with the order dated 01.07.2017 made in I.A.No.215 of 2016 in O.S.No.104 of 2016 by the 1st Additional District Judge, Tirunelveli and set aside the same as illegal.

For Appellants : Mr.S.Sathan Boopathy
for M/s.G.Aravindhan
For R1 & R2 : Mr.H.Arumugam
(In SR Stage)

J U D G M E N T

This Civil Miscellaneous Appeal has been filed to set aside the order dated 01.07.2017, made in I.A.No.215 of 2016 in O.S.No.104 of 2016 by the 1st Additional District Judge, Tirunelveli.

2. The appellants are the plaintiffs in O.S.No.104 of 2016. They filed the suit for partition and declaration to declare that the settlement deeds dated 23.05.1989 and 24.02.2010, as null and void. Along with the suit, the petitioner also filed I.A.No.215 of 2016 under Order 39 Rules 1 and 2 C.P.C, for temporary injunction restraining the respondents from altering the structure of the suit schedule property or to alienate the suit schedule property to third parties till the disposal of the petition.

<https://hcservices.ecourts.gov.in/hcse/Aices> According to the appellants, the respondents are taking steps to dispose the property. If the respondents are permitted to dispose the property, the appellants will be put to



hardship. After contest, the said petition was dismissed by the learned Judge, by order dated 01.07.2017, holding that there is no balance of inconvenience in favour of the appellants.

4. Against the said order, the appellants have come out with the present appeal.

5. When the Civil Miscellaneous Appeal is taken up for hearing, the learned counsel appearing for the respondents submitted that already trial commenced and the appellants examined 1 witness as P.W.1 and the suit is adjourned from 03.01.2018 till date, for further evidence of the appellants. In view of the submission of the learned counsel appearing for the respondents, the Civil Miscellaneous Appeal is disposed of without deciding the matter on merits, directing the learned Judge to dispose of the suit as expeditiously as possible, in any event not later than six months from the date of receipt of a copy of this judgment, without being influenced by any of the observations made in I.A.No.215 of 2016. No costs. Consequently, connected C.M.P.(MD) No.6246 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar(CS-I)

To,

The 1st Additional District Judge, Tirunelveli.

+1. C.C. to M/S.H.Arumugam, Advocate SR.No. 83457

+1. C.C. to M/S.G.Aravindhan, Advocate SR.No. 83132

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