

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).No.4166 of 2013
and M.P.No. 1 of 2013

V.Rangasamy Gounder ... Petitioner

Vs.

1.T.Shanmugavel

2.Raji @ Rajeswari

... Respondents

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 21.08.2013 in I.A.No.582 of 2010 in O.S.No.110 of 2010 on the file of the Subordinate Judge, Pollachi.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.T.M.Hariharan

ORDER

Challenging the fair and final order passed in I.A.No.582 of 2013 in I.A.No.542 of 2010 in O.S.No.110 of 2010 on the file of the Subordinate Court, Pollachi, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.110 of 2010 for declaration and permanent injunction. In the said suit, the plaintiff filed an application in I.A.No.542 of 2010 for interim injunction. The trial Court, by order dated

04.12.2012 closed the application for the reason that the suit was ripe for trial. Thereafter, the petitioner/plaintiff filed an application in I.A.No.582 of 2013 to re-open the application in I.A.No.542 of 2010, which was closed on 04.12.2012. After contest, the trial Court dismissed the application in I.A.No.582 of 2013 finding that the suit was posted for trial. Challenging this order, the plaintiff has filed the above Civil Revision Petition.

3.It is brought to the notice of this Court that the respondents have also filed a suit in O.S.No.478 of 2010 on the file of the District Munsif Court, Pollachi for permanent injunction and the said suit is being tried jointly along with the suit in O.S.No.110 of 2010 on the file of the Sub Court, Pollachi pursuant to the order passed by the District Court, Coimbatore in Tr.C.M.P.No.336 of 2010.

4.It is apparent from the records that the petitioner did not have the benefit of interim injunction since the date of filing of the suit in the year 2010. Therefore, I am of the view that it would be suffice to direct the trial Court to dispose of the suits in O.S.Nos.110 of 2010 and 478 of 2010 within a time frame.

5.The learned counsel on either side also submitted that such a direction may be given to the trial Court to dispose of the suits within a time frame.

6.Having regard to the submissions made by the learned counsel on either side, I direct the Subordinate Judge, Pollachi to dispose of the suits in O.S.Nos.110 of 2010 and 478 of 2010, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7.With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

Speaking /Non Speaking Order

va

To

The Subordinate Judge, Pollachi.

सत्यमेव जयते

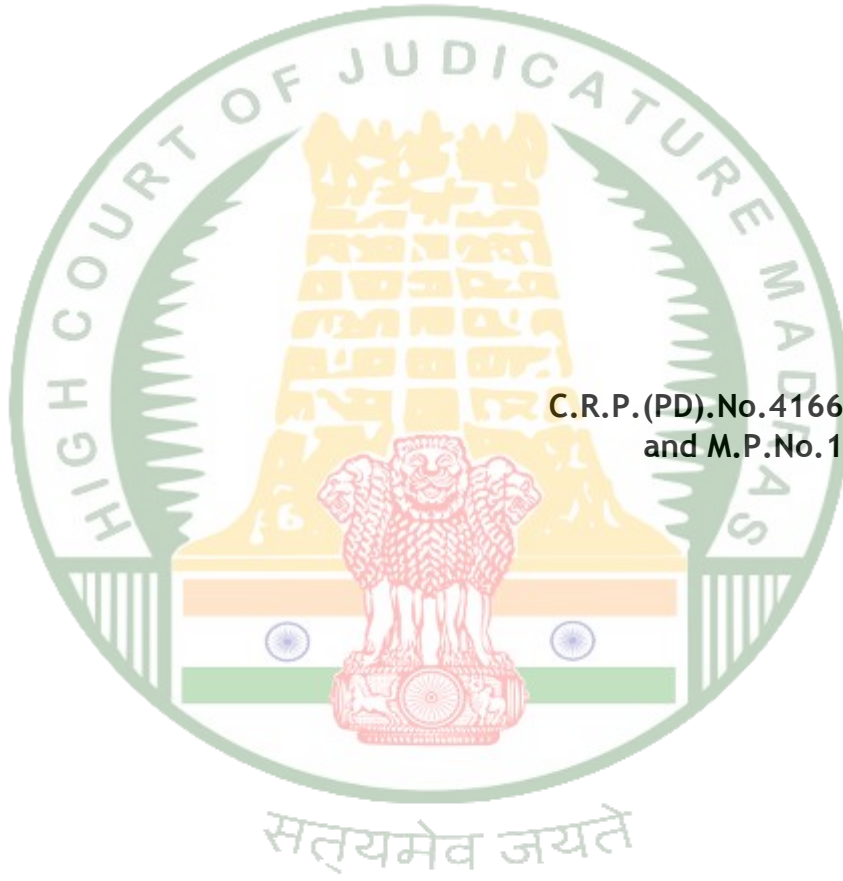
18.09.2019

WEB COPY

M. DURAISWAMY,J.

C.R.P.(PD).No.4166 of 2013

va



C.R.P.(PD).No.4166 of 2013
and M.P.No.1 of 2013

WEB COPY

18.09.2019