

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.07.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .Nos.1053 and 1054 of 2019 (PD)**

1.P.A.Thiruppathi

2.A.Kallanai

3.P.Ramasamy

4.M.A.Ayyanambalam

5.M.Ayyanan

... Petitioners in both the petitions/
Respondents/Defendants

Vs.

1.A.Andichamy

2.C.Sekar

3.A.Ayyanaraja

4.P.Ponnamabalam

... Respondents in both the petitions/
Petitioners/Plaintiffs

(The respondents/petitioners for themselves and as representatives
on behalf of other members of Vappiar Group in Therku Theru Village)

COMMON PRAYER:- Civil Revision Petitions filed under Article 227 of
the Constitution of India, praying to direct the learned District
Munsif, Melur to dispose of I.A.Nos.486 and 487 of 2019 in O.S.No.94
of 2019 within a stipulated time.

For petitioners in
both the petitions : M/s.V.Raghavachari

COMMON ORDER

These civil revision petitions have been filed by the
petitioners seeking a direction to the learned District Munsif,
<https://hcservices.ecourts.gov.in/hcservices/>
Melur, to dispose of I.A.Nos.486 and 487 of 2019 in O.S.No.94 of
2019 pending on his file, within a stipulated time.



2. The learned counsel for the petitioners submitted that the respondents herein have filed the suit in O.S.No.94 of 2019 for permanent injunction restraining the petitioners/defendants from celebrating the worship at the suit Kula Kovil Veedu by ignoring and discriminating the respondents/plaintiffs and their family members and other members of the Vappiar group without following the customary practice and procedure in celebrating the same and for permanent injunction restraining the petitioners/defendants from break opening the jewel box situated at the suit Kula Kovil Veedu for such proposed celebration. Along with the suit, the respondents/plaintiffs filed I.A.No.486 of 2019 for temporary injunction restraining the petitioners/defendants from break opening the jewel box situated at the suit Kula Kovil Veedu for the celebration till the disposal of the suit and I.A.No.487 of 2019 for interim injunction restraining the petitioner/defendants from celebrating the worship at the suit Kula Kovil Veedu by ignoring the respondents, their family members and other members. The trial Court has granted interim orders on 27.04.2019 and then, issued notices to the petitioners/defendants. The valuable right of the petitioners/defendants affected by the said interim orders. After receipt of notice, on 04.06.2019 the petitioners/defendants have filed their counter affidavit. The trial Court has refused to number even the applications for vacating the interim orders.

3. The learned counsel for the petitioners/defendants would further submit that as per Order 39 Rule 3A C.P.C. where an injunction order has been granted without giving notice to the other side, the Court shall make an endeavour to finally dispose of the injunction applications within 30 days from the date on which the injunction was granted. But, the trial Court has not done so. The grievance of the petitioners is that the respondents/plaintiffs have been dragging on the matter one way or the other by filing a memo and the Court below has been extending the interim orders based on the memo filed by the respondents/plaintiffs, without deciding the matter on merits. The petitioners are ready to cooperate with the Court below. Hence, they have filed these revision petitions seeking a direction for early disposal of the interim applications in I.A.Nos.486 and 487 of 2019 in O.S.No.94 of 2019.

4. In view of the limited relief sought for by the petitioners and considering the fact that no prejudice would be caused to the respondents by ordering these petitions, this Court is of the view that notice need not be sent to the respondents.

5. Considering the submission of the learned counsel for the petitioners, this Court, without going into the merits of the case, is inclined to issue the following direction to the Court below:

The learned District Munsif, Melur is directed to dispose of the interim applications in I.A.Nos.486 and 487 of 2019 in O.S.No.94 of 2019 on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of



receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the interim applications.

6. Both the revision petitions stand disposed of accordingly.
No costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Munsif,
Melur.

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-72730[F] dated 02/07/2019)

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02.07.2019

GCG

KK/SAR/12.07.2019/3P-3C