



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.846 of 2019

G.Kumar

... Petitioner/1st Respondent
/1st Defendant

-Vs-

1.A.Murugaudaiammal

...1st Respondent/Petitioner
/Plaintiff

2.P.Muppidathi

...2nd Respondent/2nd Respondent
/2nd Defendant

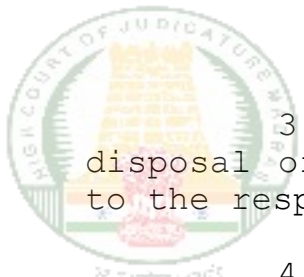
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Additional Sub Court, Tirunelveli to dispose of the I.A.No.619 of 2018 in O.S.No.240 of 2018 within the time frame fixed by this Court.

For Petitioner : Mr.H.Arumugam

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Additional Subordinate Judge, Tirunelveli to dispose the I.A.No.619 of 2018 in O.S.No.240 of 2018 within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that the first respondent herein as plaintiff filed a suit in O.S.No.240 of 2018 against the petitioner and the 2nd respondent herein for declaration and injunction in respect of 2nd Schedule property; mandatory injunction and other reliefs. Pending suit, the first respondent herein filed an application in I.A.No.619 of 2018 for interim injunction restraining the defendants from putting up construction in the 2nd Schedule property. The grievance of the petitioner is that even though counter was filed on either side, the interlocutory application in I.A.No.619 of 2018 has been adjourned time and again for various reason stating that I.A.No.620 of 2018 filed for appointment of Advocate Commissioner is pending. Hence, the petitioner before this Court for early disposal of I.A.No.619 of 2018 in O.S.No.240 of 2018.



3. Since this Civil Revision Petition is filed for early disposal of the interlocutory application, no notice is necessary to the respondents herein.

4. Considering the facts and circumstances of the case and considering the fact that I.A. is pending from the year 2018, this Court feels that ends of justice would be met by directing the Court below to dispose of the interlocutory application within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Additional Subordinate Judge, Tirunelveli to dispose the I.A.No.619 of 2018 in O.S.No.240 of 2018 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To:

The Additional Subordinate Judge
Tirunelveli.

+1 CC to Mr.H.ARUMUGAM, Advocate SR-69010.

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