

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.NO.1598 OF 2012

AND

M.P.NO.1 OF 2012

R.Natarajan

.. Petitioner/
Plaintiff

vs.

1.C.R.Karuppannan
2.Suseela
3.Kanagavalli

... Respondents/
Defendants

PRAYER :

Civil Miscellaneous Appeal is filed under Order 43 Rule 1 of the Civil Procedure Code, to set aside the Fair and Decreeal Order in I.A.No.131/2011 in O.S.No.17/2011 dated 03.08.2011 on the file of the learned Principal District Judge, Villupuram.

For Petitioner : Mr.N.Suresh

For Respondent : R1-Died
Mr.V.R.Appasamee
for Mr.Kandhan Duraisami
for RR2 & 3

सत्यमेव जयते
O R D E R

The Fair and Decreeal Order dated 03.08.2011 passed in I.A.No.131 of 2011 in O.S.No.17 of 2011 is under challenge in the present Civil Miscellaneous Appeal.

2. The plaintiff is the appellant, who instituted a suit for partition and injunction. Along with suit, an interim application seeking interim injunction was filed by the appellant in I.A.No.131 of 2011. The trial Court dismissed the injunction petition on merits. Challenging the said order, the present Civil Miscellaneous Appeal is filed.

3. Adjudication of the facts and issues at this length of time is unnecessary and no interim order was granted by the trial Court. However, an order of status quo was granted by this Court in the present appeal on 06.06.2012. The order of status quo granted by this Court is in-force till today.

4. This being the factum, the said order of status quo shall continue till the disposal of the suit and the parties to the suit are expected to co-operate for final disposal of the suit.

5. It is brought to the notice of this Court that the trial has already commenced and the suit is listed for cross-examination of P.W.1. Under these circumstances, the trial Court is requested to dispose the suit as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this Order. Unnecessary adjournments shall not be granted by the trial Court and the adjournments are to be granted on genuine grounds by recording reasons. Accordingly, the Fair and Decreetal Order dated 03.08.2011 passed in I.A.No.131 of 2011 in O.S.No.17 of 2011 stands confirmed. It is made clear that the parties to the suit are directed to maintain status quo till the final disposal of the suit.

6. Accordingly, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssb

To

The Principal District Judge,
Villupuram.

Copy To

The Section Officer,
VR Section, High Court, Madras-104.

+1cc to M/s.Muthumani Duraisami, Advocate, S.R.No.2222

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MG (CO)
CS/31/03/2021