

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2061 of 2015

and

M.P.Nos.1 & 2 of 2015

1.S.P.Mourouganandame

..Appellant/Defendant

Vs.

1.B.Vassouguy

2.P.Navanidame

3.C.Malar @ Vijdyaletchoumy

4.Calaiselvy

5.V.Jayanthi

6.P.Sittra

7.S.P.Senthil

..Respondents/Plaintiff

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1(u) of C.P.C., against the fair and decreetal orders dated 15.06.2015 in I.A.No.115 of 2013 in O.S.No.31 of 2013 before the 3rd Additional District Judge at Puducherry.

For Appellant : Mr.Stalin Abhimanyu

For Respondents : Mr.D.Ravichandar

[For R1]

No appearance for R2 to R7

J U D G M E N T

The Fair and Decreetal orders dated 15.06.2015 in I.A.No.115 of 2013 in O.S.No.31 of 2013 before the 3rd Additional District Judge, Puducherry is sought to be set aside in the present Civil Miscellaneous Appeal.

2. The suit was instituted by the 1st respondent for Partition. Along with the suit, an Interlocutory Application is filed seeking interim injunction. Considering the facts and the circumstances, the trial Court granted an order of Interim injunction on 15.06.2015, against which, the present miscellaneous appeal is filed. Admittedly, the interim injunction granted by the trial Court is in force for the past about 5 years.

3. The learned counsel for the respondents brought to the notice of this Court that the trial has already commenced and in progress.

4. The learned counsel for the appellant made a submission that in the Civil Miscellaneous Appeal, the interim stay was granted. However, the learned counsel for the respondents state that the interim stay granted was not extended by this Court. In order to give a quietus in this dispute, this Court is of an opinion that both the parties are directed to maintain the Status quo till the disposal of the suit by the trial Court. Thus, the appellant as well as the respondents are directed to maintain Status quo as on today till the disposal of the main suit. In view of the fact that the trial has already commenced, the trial Court is requested to proceed with the trial as expeditiously as possible and dispose of the suit preferably within a period of six (6) months from the date of receipt of a copy of this judgment. The parties to the suit are directed to co-operate for the early disposal of the suit.

5. Accordingly, the Fair and Decreetal orders dated 15.06.2015 in I.A.No.115 of 2013 in O.S.No.31 of 2013 on the file of the 3rd Additional District Judge, Puducherry stands modified and consequently, the Civil Miscellaneous Appeal in C.M.A.No.2061 of 2015 stands disposed of.

6. The parties to the appeal are restrained from seeking unnecessary adjournments. Adjournments are to be granted only on genuine grounds and by recording reasons. Adjournments on flimsy grounds are to be rejected in limine by all Courts. The parties cannot be given privilege of getting adjournments for their benefit in order to prolong and protract the issues. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District Judge,
Puducherry.

Copy to: The Section Officer,
VR Section, High Court,
Madras-104

+1cc to Mr.Ravichandar, Advocate SR.2799

C.M.A.No.2061 of 2015

MG(CO)
CB(08/03/2021)

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