

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1896 of 2013

and

M.P.No.1 of 2013

R.Ravichandran

..Appellant

Vs.

1.Sekar @ Om Sakthi Sekar

2.Jegadeesan

3.Rajasekaran

4.T.K.Moorthy

5.Senthilnathan

6.Sivagami

7.Balasubramanian

8.Seenuvasan

9.Tamilselvi

10.Tamilveni

11.Pavadai

12.Rajasekaran

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C., the order and decretal order dated 20.11.2009 in I.A.No.258 of 2008 in O.S.No.88 of 2008 on the file of Principal District Judge, Villupuram.

For Appellant : Mr.AL.Gandhimathi

For Respondents : Mr.K.Sukumaran
[For R1, R2 and R4]

Mr.M.L.Ganesh

[For R9 to R12]

No appearance - R3, R5 to R8

J U D G M E N T

The Fair and Decretal order dated 20.11.2009 passed in I.A.No.258 of 2008 in O.S.No.88 of 2008 is under challenge in the present Civil Miscellaneous Appeal.

2. The plaintiff is the appellant. The suit was instituted for the relief of declaration and for permanent injunction.

3. Along with the suit, Interlocutory Applications were filed, seeking an order of interim injunction, restraining the respondents from encumbering the suit property by way of mortgage, sale or exchange or otherwise pending disposal of the suit. The trial Court adjudicated the issues elaborately and dismissed the Interlocutory applications filed by the appellant. Challenging the said order, the present appeal is filed.

4. The appellant states that the trial Court has not

considered that the properties were purchased by the plaintiff by way of registered sale deed and the appellant is in possession and enjoyment of the same. The appellant was not aware of the cancellation of Power of Attorney executed by 1st and 2nd defendants in favour of the 3rd defendant. All such factual grounds raised were not considered is the grievances raised on behalf of the appellant.

5. However, the fact remains that the trial Court passed an order on 20.11.2009 in the Interlocutory Applications. For the past about 11 years, the suit is pending without any interim order. Thus, the parties are bound to adjudicate the issues in the main suit. On account of efflux of time, this Court is not inclined to consider the relief of ad-interim injunction as prayed for by the appellant in the Interlocutory Applications. Contrarily, the parties are at liberty to adjudicate all the grounds raised in the Interlocutory Application as well as in the main suit and the suit is to be disposed of as expeditiously as possible.

6. Accordingly, the Fair and Decretal order dated 20.11.2009 passed in I.A.No.258 of 2008 in O.S.No.88 of 2008 stands confirmed and the Civil Miscellaneous Appeal in C.M.A.No.1896 of 2013 is dismissed. However, the trial Court is directed to dispose of the suit as expeditiously as possible and preferably within a period of 10 months since the suit is pending for the past about 12 years. The parties to the suit are directed to co-operate for the early disposal of the suit. 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 petition is closed.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To
The Principal District Judge,
Villupuram.

C.M.A.No.1896 of 2013

SS(CO)
KKN 19.04.2021