

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.3700 of 2012 and
M.P.Nos.1&2 of 2012

1.Sarojammal
2.Lalithammal
3.Vasantha
4.Kuttiyammal @ Meera Bai ...Appellants

Vs.

Dayala Naidu ...Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 104 r/w order XLIII Rule 1 of CPC, against the fair and decreetal order dated 09.03.2012 passed in I.A.No.77 of 2011 in O.S.No.22 of 2011 on the file of the Principal District Judge, Thiruvallur.

For Appellants : Mr.N.R.Anantha Ramakrishnan

For Respondent : Mr.P.Valliyappan

J U D G M E N T

The fair and decreetal order 09.03.2012 passed in I.A.No.77 of 2011 in O.S.No.22 of 2011, is under challenge in the present appeal.

2. The plaintiffs are the appellants and the suit was instituted for partition. The learned counsel for the appellants made a submission that the negotiation was in progress in the process of settlement between the parties. However, the same yielded no result. The learned counsel for the appellants is of the opinion that an order of injunction was initially granted. However, the same was vacated without valid reasons. In view of the fact that the interim order was vacated by dismissal of the interlocutory application, the appellants are constrained to move the present appeal. Admittedly, the suit for partition is pending for the past about nine years. The interim order granted in interlocutory application was dismissed on 09.03.2012 and for the past about eight years, the interim order was not in force.

3. Therefore, this Court is not inclined to go into the merits of the issues as there is no interim order was in force for about eight years and the parties are at liberty to raise all their respective grounds and adjudicate the suit on merits and in accordance with law.

4. In this view of the matter, the fair and decreetal order passed in I.A.No.77 of 2011 in O.S.No.22 of 2011 stands confirmed. Consequently, C.M.A.No.3700 of 2012 stands dismissed. However, the Trial Court is directed to dispose of the suit as expeditiously as possible and preferably within a period of one year from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

5. The parties to the suit are directed to cooperate for the earlier disposal of the suit. The Trial Court should decline unnecessary adjournments on flimsy grounds if sought for by the parties to the suit. The adjournments sought are to be granted only on genuine grounds and by recording reasons. Thus, the Trial Court is expected to proceed with the case without granting any unnecessary adjournments either at the instance of the parties or by the Courts.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

gsk

To

The Principal District Judge, Thiruvallur.

+1cc to M/s.P.Valliappan, Advocate SR.No.5105

+1cc to Mr.N.R.Anantha Ramakrishnan, Advocate SR.No.5324

C.M.A.No.3700 of 2012 and
M.P.Nos.1&2 of 2012

SR II(CO)
KKV/04/03/2021