

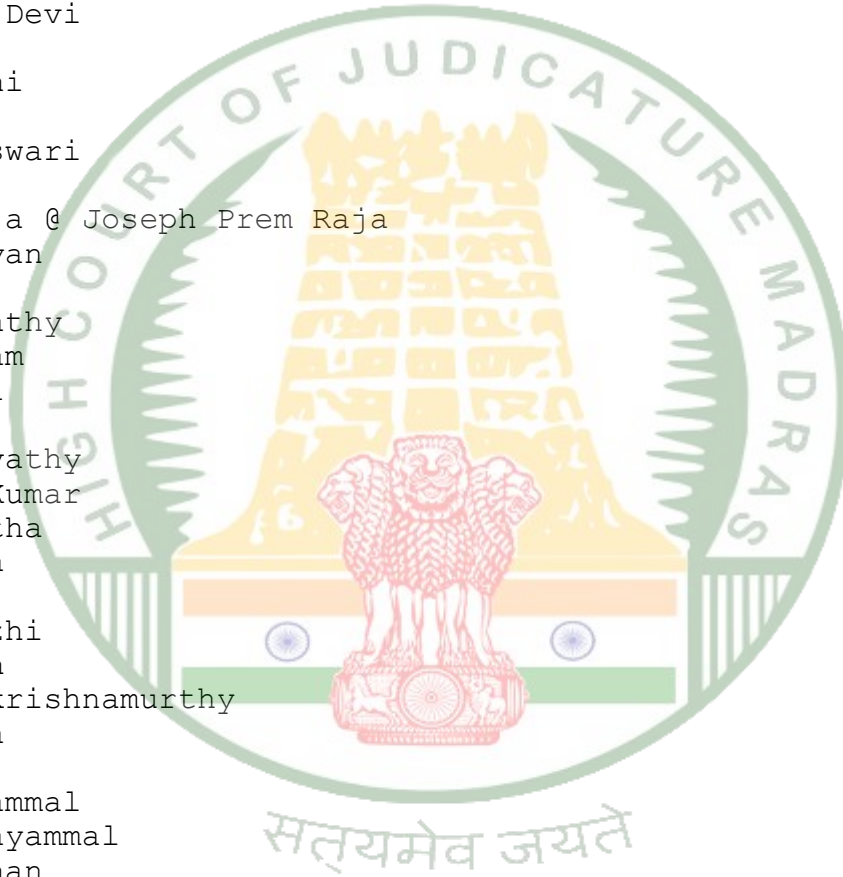
IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 05.01.2021  
CORAM  
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
C.M.A.No.3128 of 2013  
and  
M.P.No.1 of 2013

Radjassegarin

..Appellant/Plaintiff

Vs.

- 1.Nirmala Devi
- 2.Sujatha
- 3.Vinothini
- 4.Sarala
- 5.Umamaheswari
- 6.Mahesh
- 7.Prem Raja @ Joseph Prem Raja
- 8.Murugaiyan
- 9.Joseph
- 10.Saraswathy
- 11.Singaram
- 12.Gomathi
- 13.Latha
- 14.Umaparvathy
- 15.Suesh Kumar
- 16.Sangeetha
- 17.Fathima
- 18.Priya
- 19.Arulmozhi
- 20.Prakash
- 21.Gopalakrishnamurthy
- 22.Chandra
- 23.Amitha
- 24.Govindammal
- 25.E.Pachayammal
- 26.Saravanan
- 27.Rajabunisa
- 28.Punitha
- 29.Vanathi
- 30.Lakshmi
- 31.Sheik Firdoss Basha
- 32.Sengeni
- 33.Kanaga
- 34.V.Patchaiyammal
- 35.Jothi @ Lakshmi
- 36.Lalithambigai
- 37.Valli
- 38.Amudha



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- 39.Lalitha  
40.Kanagarani  
41.Kanniyappan  
42.Ramani  
43.Union of India,  
Rep.by Chief Secretary,  
Government of Puducherry,  
Chief Secretariat, Goubert Avenue,  
Beach Road, Puducherry.
- 44.Department of Revenue,  
Rep.by Secretary,  
Chief Secretariat, Goubert Avenue,  
Beach Road, Puducherry.
- 45.Settlement Office,  
Rep.by Settlement Officer,  
Saram, Pondicherry.
- 46.Taluk Office, Oulgaret,  
Rep.by Tahsildar, ECR Road,  
Lawspet, Puducherry.
- 47.Office of Registrar in Pondicherry,  
Rep.by the Sub Registrar,  
Saram, Puducherry.
- 48.Office of the Sub-REgistrar, Oulgaret,  
Rep.by the Sub Registrar,  
Main Road, Jawahar Nagar, Pondicherry.
- 49.Department of Electricity,  
Rep.by Secretary,  
Chief Secretariat, Goubert Avenue,  
Beach Road, Puducherry.
- 50.Public Works Department,  
Rep.by Secretary,  
Chief Secretariat, Goubert Avenue,  
Beach Road, Puducherry.
51. Oulgaret Municipality,  
Rep.by Commissioner,  
Main Road, Jawahar Nagar,  
Pondicherry.
- ..Respondents/Defendant

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C., against the Fair and Decreetal order dated 26.04.2013 made in I.A.No.690/2012 in O.S.No.145 of 2012 on the file of the Learned III Additional District Judge, Puducherry.

For Appellants : M/s.S.Sundresan Lakshmiswroopa  
For Respondents : M/s.N.Mala  
Government Pleader (Puducherry)  
[For R43 to R51]

M/s.A.Tamilvanan [For R7]

No appearance for R1 to R6, R8 to R42

#### J U D G M E N T

The Fair and Decreetal order dated 26.04.2013 made in I.A.No.690 of 2012 in O.S.No.145 of 2012 is sought to be set aside in the present Civil Miscellaneous Appeal.

2. The petitioner is the plaintiff, who instituted the suit for Partition and Declaration. Along with the suit, the plaintiff filed an Interlocutory Application seeking interim injunction. Initially, the Trial Court granted an order of interim injunction and subsequently, after filing of the counter filed by the defendants, the interim injunction granted was vacated. Challenging the said order, the present Miscellaneous Appeal is filed under Order 43 Rule 1 C.P.C.

3. The Civil Miscellaneous Appeal was filed on 30.08.2013 and the petitioner is not enjoying any interim order for the past about seven years. Therefore, considering the grounds raised in the appeal at this length of time for grant of interim injunction is certainly not preferable as there is no interim order for the past about seven years. At this juncture, disposal of the main suit is of important, in view of the fact that the parties have taken adjournments after adjournments by merely stating that the Civil Miscellaneous Appeal is pending before the High Court. It is needless to state that in the absence of any interim order in the appeal, the Trial Court is at liberty to proceed with the Trial on merits. However, in the present case, the suit is kept pending for more than seven years after filing the present appeal on hand.

4. The learned counsel appearing on behalf of the petitioners raised a consent that certain findings made in the order impugned would affect the rights of the petitioners as the said findings may be taken undue advantage by the respondents in the course of trial. It is needless to state that the findings on merits, if any made in the order impugned, shall not be taken into account, while deciding the issues in the main suit. In other words, the suit is to be tried and the merits are to be

considered independently and uninfluenced by the findings made in the order impugned in the present Civil Miscellaneous Appeal and the parties are now co-operate for the early disposal of the suit though they have sought for many adjournments on certain flimsy grounds.

5. The Trial Court is expected to decline those adjournments, which all are sought without any valid reasons. Adjournments are to be granted only on certain genuine grounds. Adjournment is an exception. Therefore, the courts cannot grant routine adjournments in such matters and keep the cases pending for an indefinite period. If at all the parties are intending to get secure adjournments in order to prolong or protract the litigations, the Courts are expected to reject all such adjournments and proceed with the case as expeditiously as possible. Practice of granting routine adjournments cannot be appreciated, but to be deprecated. This Court is of the considered opinion that the grant of adjournments merely on the ground that the Civil Miscellaneous Appeal is pending, is incorrect in the absence of any interim order in the Civil Miscellaneous Appeal. Admittedly, in the present appeal, there is no interim order.

6. This Court is not inclined to go into the merits as well as the findings of the Trial Court in respect of the order impugned, in view of the fact that the suit itself is pending for the past about eight years and there is no interim order in the suit for the past about seven years.

7. Under these circumstances, the Learned III Additional District Judge, Puducherry, is requested to dispose of the suit as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this judgment. The parties to the original suit are directed to co-operate for the early disposal of the case and the Court cannot grant adjournments in a routine manner. Adjournments are to be granted only by recording reasons and not otherwise. With these observations, the Fair and Decretal order dated 26.04.2013 made in I.A.No.690 of 2012 in O.S.No.145 of 2012 stands confirmed and C.M.A.No.3128 of 2013 stands dismissed. No costs.

Sd/-

Asst.Registrar (CS II )

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Sub Asst. Registrar

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To

The IIIrd Additional District Judge,  
Puducherry.

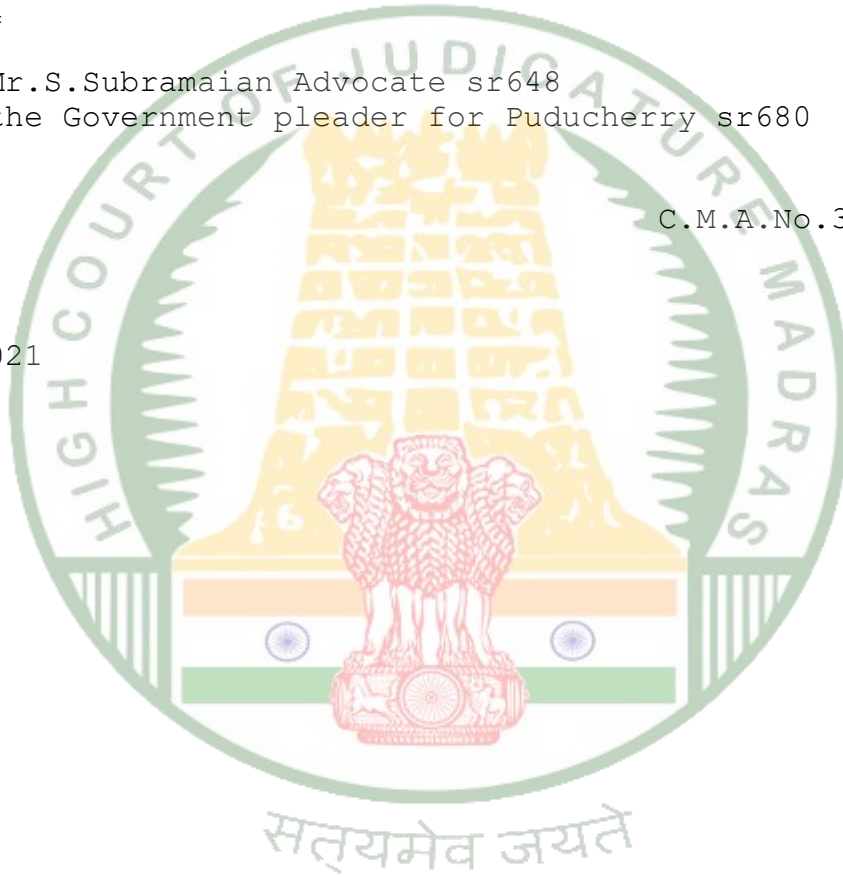
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The Section Officer  
VR Section  
High Court,  
Madras-104

+1 cc to Mr.S.Subramaian Advocate sr648  
+1 cc to the Government pleader for Puducherry sr680

C.M.A.No.3128 of 2013

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