

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.01.2021
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No.3656 of 2013

1.Balaji
2.Devipriya

..Appellants

Vs.

1.K.Shanthi
2.Chakrapani
3.Mahalakshmi
4.Venkatalakshmi

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C., against the Fair and Decreetal order dated 27.09.2013 in I.A.No.84 of 2013 in O.S.No.14 of 2013 before the Principal District Court, Villupuram.

For Appellants : M/s.R.Meenal
For Respondents : Mr.M.Gnanamoorthy
For Mr.N.Suresh
[For R1 to R4]

J U D G M E N T

The Fair and Decreetal order dated 27.09.2013 made in I.A.No.84 of 2013 in O.S.No.14 of 2013 is sought to be set aside in the present Civil Miscellaneous Appeal.

2. The petitioners are the plaintiff and the suit was instituted for declaration. Along with the suit, an Interlocutory Application was filed seeking an interim injunction. The Interlocutory Application was dismissed by the Trial Court on 27.09.2013, the Civil Miscellaneous Appeal is filed on 18.12.2013 and the appeal is pending for the past about 7 years. There is no interim order as against the defendants in the suit for the past about 7 years. On account of the efflux of time, this Court is not inclined to re-consider the issue for grant of interim injunction in favour of the petitioner at this length of time. Contrarily, it is preferable to adjudicate the suit on merits by affording opportunity to all the parties concerned. Thus, this Court, at this length of time, is not inclined to consider the merits and the demerits raised by the parties in the Civil Miscellaneous Appeal.

3. Accordingly, the trial Court is requested to dispose of the suit as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this judgment. The parties to the Civil Suit are directed to co-operate for the early disposal of the suit and unnecessary adjournments should not be granted by the Trial Court at the instance of the parties. Even in case of adjournments, reasons are to be recorded for grant of such adjournments. It is needless to state that the findings in the fair order shall not be considered by the Trial Court, while disposing of the suit. In other words, the suit is to be decided independently and uninfluenced by the findings if any made in the fair order passed in I.A.No.84 of 2013.

4. With these observations, the Fair and Decreetal order dated 27.09.2013 made in I.A.No.84 of 2013 in O.S.No.14 of 2013 stands confirmed and C.M.A.No.3656 of 2013 stands dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

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To
The Principal District Judge,
Villupuram.

+1 cc to Ms.R.Meenal Advocate sr381
+1 cc to Mr.N.Suresh Advocate sr490

C.M.A.No.3656 of 2013

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