

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

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

C.M.A.No.2779 of 2016 and
C.M.P.No.20138 of 2016

P.Raja Shanmuga Perumal

... Appellant

Vs.

C.S.Sivakumar

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 (u) of CPC, to set aside the Fair and Decretal Order dated 26.10.2016 made in I.A.No.395 of 2016 in O.S.No.171 of 2016 on the file of the Second Additional District Judge, Erode.

For Appellant : Mr.C.Munusamy

For Respondent : Batta Due

JUDGMENT

The fair and decreetal order dated 26.10.2016 passed in I.A.No.395 of 2016 in O.S.No.171 of 2016 is under challenge in the present Civil Miscellaneous Appeal.

2.The defendant is the appellant and the respondent instituted a suit for recovery of money. In the pending suit, an Interlocutory Application was filed seeking attachment of the property of the defendant. The trial Court considered the grounds and passed an order of attachment and accordingly posted the matter on 15.11.2016. Already, five years lapsed pursuant to the interim order, however, the attachment has not been effected. In view of the fact that the matter is pending for long years, it is not preferable to interfere with the Interlocutory order passed by the trial Court. Contrarily, this Court is inclined to direct the trial Court to expedite the suit so as to attain finality. Accordingly, the fair and decreetal order dated 26.10.2016 passed in I.A.No.395 of 2016 in O.S.No.171 of 2016 stands confirmed. Consequently, the Civil Miscellaneous Appeal is dismissed. The trial Court is directed to dispose of the main suit as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this order.

3.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 readily 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

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Sub Assistant Registrar

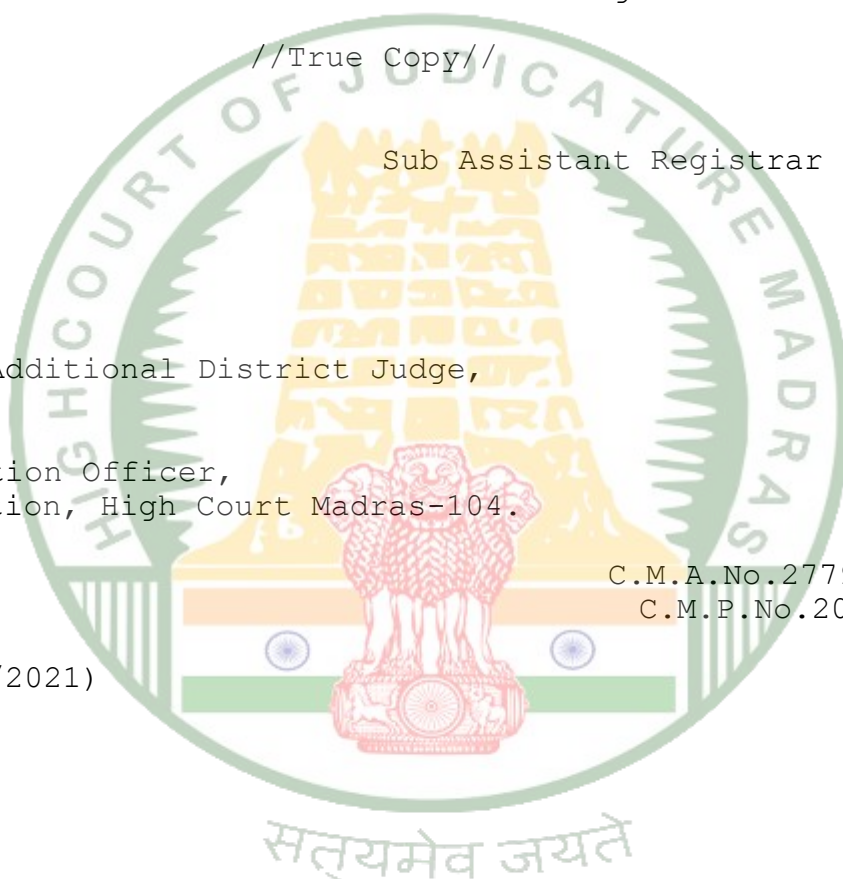
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To

- 1.The II Additional District Judge,
Erode.
- 2.The Section Officer,
V.R.Section, High Court Madras-104.

C.M.A.No.2779 of 2016
C.M.P.No.20138 of 2016

GMR (CO)
RMP (04/03/2021)



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