

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.511 of 2016

and

C.M.P.No.4305 of 2016

1.M.R.Palanisamy

2.Mayangathal

..Appellants

Vs.

1.Gnanasoundari

2.S.Natarajan

3.R.Samiappan

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of the C.P.C., against the Fair and Decreetal order dated 09.02.2016 passed in I.A.No.992 of 2015 in O.S.No.233 of 2015 on the file of the II Additional District cum Sessions Court, Tiruppur.

For Appellant : Mr.K.Govi Ganesan

J U D G M E N T

The Fair and Decreetal order dated 09.02.2016 passed in I.A.No.992 of 2015 in O.S.No.233 of 2015 on the file of the II Additional District cum Sessions Court, Tiruppur, is under challenge in the present Civil Miscellaneous Appeal.

2. The defendants are the appellants in the present appeal. The respondent instituted a suit for Partition. Along with the suit, an Interlocutory Application was filed, seeking an order of interim injunction. The Trial Court adjudicated the issues and has not been balanced between the parties, an order of interim injunction was granted pending disposal of the Civil Suit. Challenging the said order, the present appeal is filed.

3. It is pertinent to note that the suit is pending for the past about 5 years, the interim injunction also in force for the past about 5 years. On account of efflux of time, this Court is to re-consider the interim order already passed by the trial Court. Contrarily, the trial Court is to be directed to dispose of the suit as expeditiously as possible. The parties are expected to co-operate for the early disposal of the suit.

4. In view of the fact that the interim injunction granted on 09.02.2016 in force for the past 4 years, the trial Court is directed to dispose of the main suit as expeditiously as possible and preferably within a period of ten (10) months from the date of receipt of a copy of this judgment. The trial is to be conducted uninfluenced by the orders passed in the Interim Application.

5. 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

//True Copy//

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To

Sub Assistant Registrar

1. The II Additional District cum Sessions Court,
Tiruppur.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.434

C.M.A.No.511 of 2016

ssv(CO)
rv(12/02/2021)

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