

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1700 of 2019

C.M.P.No.5280 of 2019

1.Rukmani
2.Gowthaman

.. Petitioners/Appellants

vs.

1.Palaniammal

2.Shanthi

3.Premalatha

4.Perumal

5.Soundararajan

6.Kanagaraj

7.Balamurugan

8.Rajan

9.Sub-Registrar,
Ammapettai Sub-Registrar,
Anthiyoor,
Erode District.

.. Respondents/Defendants

PRAYER : Civil Miscellaneous Appeal is filed under Order 43 Rule 1(r) of Civil Procedure Code, to set aside the Fair and Decreetal Order dated 05.12.2018 made in I.A.No.1096 of 2018 in O.S.No.16 of 2018 on the file of IV Additional District and Sessions Court, Erode District, Bhavani and allow the Civil Miscellaneous Appeal.

For Petitioner : Mr.T.Gnana Banu

O R D E R

The Fair and Decreetal Order dated 05.12.2018 made in I.A.No.1096 of 2018 in O.S.No.16 of 2018 on the file of IV Additional District and Sessions Court, Erode District, Bhavani is under challenge in the present Civil Miscellaneous Appeal.

2. The suit was instituted by the appellants for declaration and injunction. Along with suit, the appellants filed an interlocutory application for grant of interim injunction. The trial Court considered the facts and circumstances and rejected the interlocutory application for grant of interim injunction. Challenging the said Fair and Decreetal order, the present Civil Miscellaneous Appeal is filed.

3. This Court is of the considered opinion that the suit was instituted in the year 2018, which is pending for the past two years without any order of interim injunction. Any development in the suit property by either of the parties is undoubtedly at their risk and during the final disposal of the original suit, none of the parties can claim equity in respect of the developments, if at all made by them in the suit properties. As far as the grant of interim injunction is concerned, the trial Court has declined to grant interim injunction and the suit is pending for the past about two years. Under these circumstances, after this length of time, this Court is not inclined to grant any interim injunction and accordingly, the Fair and Decreetal Order dated 05.12.2018 made in I.A.No.1096 of 2018 in O.S.No.16 of 2018 stands confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. Connected Miscellaneous Petition is also closed. No costs.

4. The trial Court is requested to dispose the suit as expeditiously as possible and the parties to the suit are directed to co-operate for the earlier disposal of the suit by not praying any unnecessary adjournments on flimsy grounds.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To

The IV Additional District and Sessions Court,
Erode District, Bhavani.

C.M.A.No.1700 of 2019

SVI (CO)

RMP (16/04/2021)