



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.1031 of 2021

1.Sudha Pandian  
2.Harisekara Pandian

... Petitioners

Vs

1.P.Mookandi  
2.Malliga  
3.The Commissioner,  
Corporation of Chennai,  
Ripon Buildings,  
Chennai - 600 003.  
  
4.The Assistant Engineer,  
Greater Corporation of Chennai,  
Zone No.180, Ward No.39,  
Division No.13, Adyar,  
Chennai - 600 020.  
  
5.The Chairman,  
Tamil Nadu Slum Clearance Board (TNSCB),  
No.5 Kamarajar Salai,  
Chepauk, Chennai - 600 005.

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to issue direction directing the II Assistant City Civil Court, Chennai to dispose the I.A.No.10111 of 2018 and O.S.No.4164 of 2018 within the time frame fixed by this Court by allowing the Civil Revision Petition.

For Petitioners : Mr.R.Marudhachalamurthy.

For Respondents : Ms.Karthika Ashok for  
R3 & R4.  
Mr.S.Prabhu for R5.

O R D E R

This Civil Revision Petition has been filed seeking for a direction to the Learned II Assistant Judge, City Civil Court,



Chennai to dispose of the I.A.No.10111 of 2018 and O.S.No.4164 of 2018 within a time frame fixed by this Court.

2.The Learned Counsel for the Petitioners submitted that the Respondents 1 and 2 have filed a Suit in O.S.No.4164 of 2018 seeking relief of permanent injunction restraining the Defendants 1 and 2 from putting up any further construction in respect of the Suit property. The Respondents 1 and 2 have filed I.A.No.10111 of 2018 under Order 39 Rules 1 & 2 of Civil Procedure Code seeking ad interim injunction till the disposal of the Suit. On the date of filing of the Suit, an ad interim injunction was granted and it was extended from time to time. The Petitioners filed counter and pressed for enquiry in the said Application. However, the Respondents 1 and 2, being armed with an ad interim injunction have not come forward for disposal of I.A.No.10111 of 2018. Therefore, this Petition.

3.Heard Mr.R.Marudhachalamurthy, Learned Counsel for the Petitioner and Mrs.Karthika Ashok, Learned Standing Counsel for the Respondents 3 and 4 and Mr.S.Prabhu, Learned Standing Counsel for the Fifth Respondent.

4.This is a case where an ad interim injunction was granted in I.A.No.10111 of 2018 without giving notice to the opposite party. Order XXXIX Rule 3A of Civil Procedure Code mandates where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the Application within thirty days from the date on which the injunction was granted.

5.In the case on hands, ad interim injunction was granted, when the Application was filed along with Suit, without giving notice to the opposite party. From the above it is clear that without any direction of this Court, the Learned II Assistant Judge, City Civil Court, Chennai is obligated to dispose the said Interlocutory Application immediately within a period of thirty days. However, since the Petitioners have filed this Petition and prays for a direction to dispose of the said Interlocutory Application, this Court directs the Learned II Assistant Judge, City Civil Court, Chennai to dispose of the I.A.No.10111 of 2018 in O.S.No.4164 of 2018 as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this Order.

6.It is submitted by the Learned Counsel for the Petitioners that this Court has directed the Registry to call for the records in the Interlocutory Application and Suit along with a report and hence, the entire case records have been sent. Therefore, Registry is directed to return the entire case



records in I.A.No.10111 of 2018 and O.S.No.4164 of 2018 immediately to the II Assistant City Civil Court, Chennai.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

WEB COPY

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ay

To

1. The II Assistant Judge,  
City Civil Court,  
Chennai.

2. The Registrar,  
City Civil Court,  
Chennai

Copy to :

1. The Section Officer,  
VR Section, High Court, Madras  
2. The Section Officer,  
Judicial Department,  
High Court, Madras

+1CC to Mr.R.Marudhachalamurthy, Advocate, Sr.No.48632

+1CC to M/s.Karthikaa Ashok, Advocate, Sr.No.48924

+1CC to Mr.S.Prabhu, Advocate, Sr.No.49540

C.R.P.No.1031 of 2021

CNR (CO)

K.RK. (27.09.2021)