

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.01.2021
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No.2834 of 2019

1.K.Palaniyammal

2.M.Dhanalakshmi

3.N.Palaniammal

4.K.Shanmuga Sundaram

5.D.Vanja ..Appellants/Respondents
Vs.

1.P.Ganeshan

2.R.Valarmathi

3.R.Gokulakrishnan ..Respondents/Petitioners

Prayer : Civil Miscellaneous Appeal filed under Order LXIII Rule 1 of C.P.C., against the fair and decreetal order dated 13.12.2018 passed in I.A.No.821 of 2018 in O.S.No.311 of 2018 on the file of the III Additional District and Sessions Court, Coimbatore.

For Appellants : Mr.G.T.Subramanian

For Respondents : Mr.V.Nicholas

J U D G M E N T

The fair and decreetal order dated 13.12.2018 passed in I.A.No.821 of 2018 in O.S.No.311 of 2018, is under challenge in the present civil miscellaneous appeal.

2. The plaintiffs are the appellants in the present civil miscellaneous appeal. The suit was instituted for declaration and partition. Along with the suit, an interlocutory application was filed seeking an order of interim injunction. The Trial Court passed an order of status-quo till the disposal of the suit in I.A.No.653 of 2018. Subsequently, I.A.No.821 of 2018 was filed by the defendants to vacate the order of status-quo. The Trial Court allowed the application in I.A.No.821 of 2018, by vacating the order of status-quo. Challenging the said order, the present appeal has been filed.

3. This Court is of the considered opinion that the interim orders are to be granted in a balanced manner and without causing prejudice to either of the parties to the suit. If the prima facie case is made out by either of the parties, then the interim orders are to be granted without causing prejudice to the interest and rights of the parties, so as to adjudicate the issues raised in the main suit. In the present case, an order of status-quo was granted by the Trial Court which would certainly protect the interest of both plaintiffs as well as the defendants. In the event of vacating the order of status-quo, either of the party cause impeachment to the rights of other party. Then, it is not preferable to vacate the order of status-quo already granted. Therefore, the Trial Court has committed an error in vacating the order of status-quo, which is in force for the past about two years.

4. In these circumstances, this court is inclined to interfere with the order impugned in this civil miscellaneous appeal. Consequently, the fair and decreetal order dated 13.12.2018 passed in I.A.No.821 of 2018, is set aside and consequently, C.M.A.No. 2834 of 2019 stands allowed. Thus, the order of status-quo is directed to be continued till the disposal of the suit. No costs.

5. The Trial Court is directed to dispose of the suit as expeditiously as possible within a period of ten months from the date of receipt of a copy of this order. The parties to the suit are directed to cooperate for the earlier disposal of the suit. The Trial Court should decline unnecessary adjournments on flimsy grounds if sought for by the parties to the suit. The adjournments sought are to be granted only on genuine grounds and by recording reasons. Thus, the Trial Court is expected to proceed with the case without granting any unnecessary adjournments either at the instance of the parties or by the Courts.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk
To

The III Additional District and Sessions Court, Coimbatore.

+1 cc to Mr.G.T.Subramanian Advocate sr3994

C.M.A.No.2834 of 2019

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