

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2333 of 2019
C.M.P.No.10583 of 2019

1.G.Sivashanmugam

2.G.Murugesan

3.G.Rajendran

.. Appellants

vs.

V.Balasubramanian (Decd.)

1.B.Savithri

2.B.Thirugnana Sambandam

3.B.Santhalingam

4.B.Sundaresan

5.B.Manjula

6.B.Geetha

7.A.Karthik

8.A.Rajeswarai

9.Parvathi

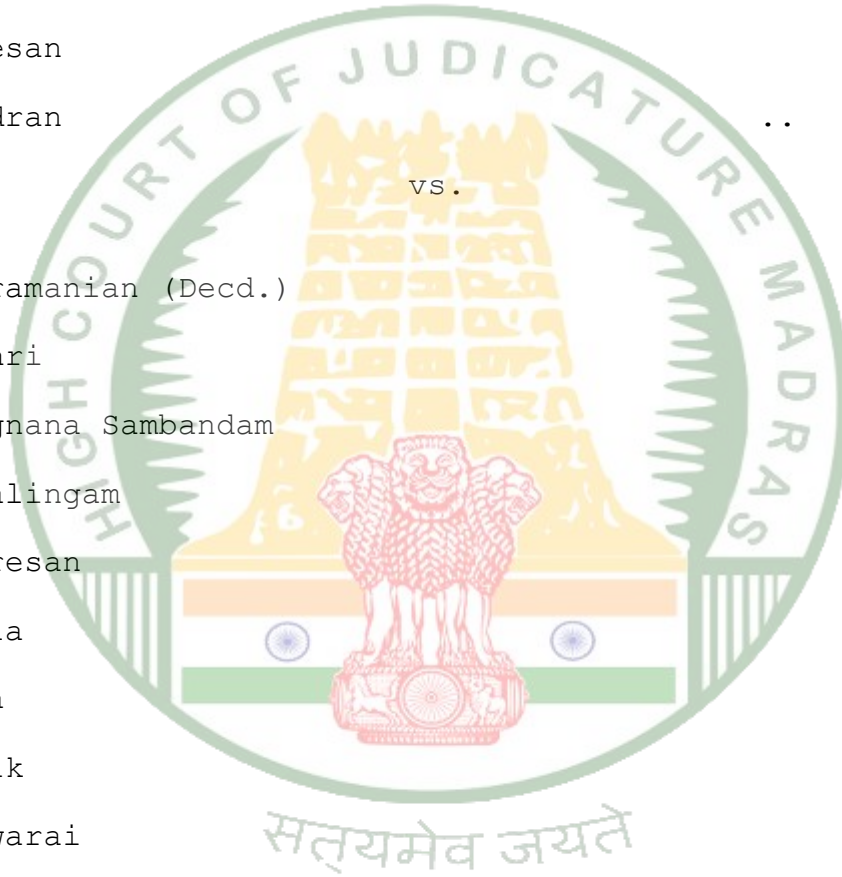
10.Samundeeswari

11.Vijayarani

12.G.Sivasankaran

13.P.Arumugam

14.K.K.Moorthy



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15.M.Marimuthu

16.K.Gopalakrishnan

.. Respondents

PRAYER : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C, against the order and decree dated 02.03.2019 made in application in I.A.No.1 of 2018 in O.S.No.380 of 2008 on the file of the Sessions Judge, Mahila Court, Kancheepuram District, Chengalpattu.

For Appellants : Mr.K.V.Sundararajan

For Respondents :Mr.R.S.Ranganadhan for RR2 to 6

Mr.V.Shivalingam for RR14 to 16

RR1, 7 to 13-not ready in notice

O R D E R

The Civil Miscellaneous Appeal is filed against the order and decree dated 02.03.2019 made in application in I.A.No.1 of 2018 in O.S.No.380 of 2008 on the file of the Sessions Judge, Mahila Court, Kancheepuram District, Chengalpattu.

2. The plaintiff is the appellant. The suit was instituted for partition and other reliefs. Along with the suit, two interlocutory applications were filed. One for interim injunction and another to appoint the advocate commissioner. Both interlocutory applications were dismissed by the trial Court on 02.03.2019. Challenging the said orders, Civil Miscellaneous Appeal is filed mainly on the ground that in the event of no injunction, the defendants would alienate the property or alter its character.

3. This Court granted an interim injunction in the present appeal. Pursuant to the interim injunction, the parties are maintaining status quo as of now. In view of the fact that the interim order already granted by this Court is in-force for about two years, this Court is inclined to grant an order of status quo till the disposal of the suit. The respective learned counsels appearing on behalf of the appellant as well as the respondent jointly made a submission that the trial has commenced and examination of witnesses are in-progress.

4. In view of the fact that one or two witnesses are left out and they are to be examined, the trial Court is directed to proceed with the trial as expeditiously as possible and dispose

of the suit within a period of three months from the date of receipt of a copy of this order. Till the disposal of the suit, the parties to the suit are directed to maintain status quo. Accordingly, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

ssb

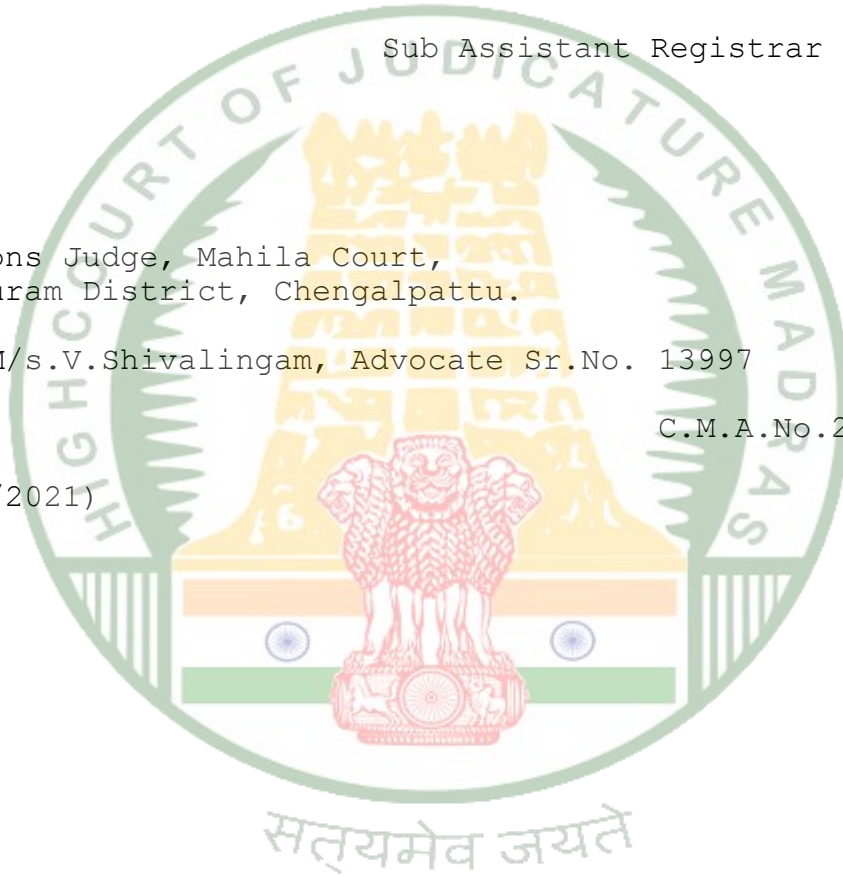
To

The Sessions Judge, Mahila Court,
Kancheepuram District, Chengalpattu.

+1 cc to M/s.V.Shivalingam, Advocate Sr.No. 13997

C.M.A.No.2333 of 2019

SR II (CO)
RMP (31/03/2021)



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