



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2438 of 2021

and

CMP No.13892 of 2021

1. S. Balachandran

2. B.Baby Kala

3. B. Manjula

..Appellants / 1,4 & 5th Respondents /
1,4 & 5th Defendants

VS.

1. P. Ramani

.. 1st Respondent / Petitioner /
Plaintiff

2. R. Pandian

.. 2nd Respondent / 2nd Respondent /
2nd Defendant

3. P.Raja Rama Krishnan

..3rd Respondent / 3rd Respondent /
3rd Defendant

Civil Miscellaneous Appeal filed under Order 43 (R1) of Code of Civil Procedure, 1908 to set aside the order and decree dated 24.02.2021 passed in I.A. No.3 of 2021 in O.S. No.4338 of 2020 on the file of II Additional City Civil Court, Chennai.

For Appellants : Mr.R. Lakshmi Narasimhan

For Respondents: M/s.S. Venkatesh for R1
M/s.E. Sampath Kumar
for R2 and R3

JUDGMENT

Heard Mr.R. Lakshmi Narasimhan, learned counsel for the appellants. Mr.S.Venkatesh, learned counsel for the 1st respondent. Mr.E.Sampathkumar, learned counsel for the 2nd and 3rd respondents.



2. This appeal has been filed aggrieved by an order dated 24.02.2021 passed by the II Additional City Civil Court, Chennai in I.A. No.3 of 2021 in O.S. No.4338 of 2020. Under the impugned order, the appellants, who are the 1st, 4th and 5th defendants in the suit O.S. No.4338 of 2020 have been restrained by an injunction order from continuing with the construction in the suit schedule property on the ground that the 1st respondent / plaintiff as well her sisters will be put to irreparable loss and damages.

3. This Court after perusing and examining the materials and documents available on record and after hearing the submissions of the respective learned counsels is of the considered view that in the interest of all the parties to the dispute, the suit can be directed to be disposed of, within a time frame to be fixed by this Court, in view of the fact that all the contesting parties are siblings and the brother is on the one side and sisters are on the other side. No useful purpose will be served, if the subject appeal will be disposed of on merits as it will lead to further litigations between the parties and instead it is better to give a direction to the trial Court for early disposal of the suit.

4. For the foregoing reasons, this Court directs the appellants to file their written statement in the said suit, within a period of one week from the date of receipt of a copy of this order. The learned II Additional Judge, City Civil Court, Chennai is directed to dispose of the suit O.S. No.4338 of 2020, within a period of four months thereafter.

5. In terms of the aforesaid directions, this Civil Miscellaneous Appeal is disposed of. It is made clear that the Interlocutory Applications if any to be filed by the parties in the near future shall be decided along with the suit. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar



vs i2

To

The II Additional Judge,
City Civil Court,
Chennai.

C.M.A.No.2438 of 2021

SRA(CO)
SB(13/10/2021)