

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2021
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.3651 of 2019
C.M.P.No.20923 of 2019

S.M.Ganesan

.. Appellant/Defendant

vs.

1.Basavaraj (Died)
2.Parimela
3.Nandish
4.Rajesh

... Respondent

RR2 to 4 are brought on record as per the order of this Court dated 05.03.2021 made in C.M.P.No.10820 of 2020 in C.M.A.No.3651 of 2019.

PRAYER : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C, against the fair and decreetal order of the learned Additional District Judge, Hosur dated 13.08.2019 in I.A.No.277 of 2018 in O.S.No.121 of 2018.

For Appellants : Mr.N.E.A.Dinesh

For Respondents : R1-Died-steps taken
Mr.K.Goviganesan for RR2 to 4

O R D E R

The Fair and Decreeetal order dated 13.08.2019 passed in I.A.No.277 of 2018 in O.S.No.121 of 2018 is under challenge in the present Civil Miscellaneous Appeal.

2. The defendant is the appellant and the respondent is the plaintiff, who instituted a suit for declaration and permanent injunction. Along with the suit, an interlocutory application in I.A.No.277 of 2018 was filed for interim injunction. The trial Court, after adjudication, granted an ad-interim injunction restraining the respondent from objecting the petitioner to put up the foundation and shed in the suit property.

3. Now, it is brought to the notice of this Court that the injunction granted is in-force for about two years. Therefore, this Court may order for earlier disposal of the suit. The learned counsel for the respondent made a submission that the construction had already been completed in the suit property and therefore, the injunction granted may not have much implication and therefore, disposal of the suit is essential.

4. In view of the fact that the building construction was already completed in the suit property during the pendency of the appeal, no further consideration in respect of the order impugned is required. However, the Trial Court is directed to dispose of the suit within a period of 10 months from the date of receipt of a copy of this order. Further, the injunction granted by the trial Court also lost its relevance and significance. Under these circumstances, no further consideration is required.

5. Accordingly, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

The Additional District Judge,
Hosur.

+1cc to M/s.K.Gowri Ganesan, Advocate Sr.No.14348

akm/29.04.21 /2p-3c/

C.M.A.No.3651 of 2019
05.03.2021

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