

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2489 of 2018
and

C.M.P.No.18993 of 2018

Ratna Bai

...Appellant

Vs.

V.Muniraj

....Respondent

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., against the judgment and decree in I.A.No.313 of 2017 in O.S.No.111 of 2017, on the file of Additional District Judge, Hosur dated 30.08.2018.

For Appellant : Mr.V.Lakshminarayanan

J U D G M E N T

The judgment and decree dated 30.08.2018 passed in I.A.No.313 of 2017 in O.S.No.111 of 2017, on the file of Additional District Judge, Hosur is under challenge in the present Civil Miscellaneous Appeal.

2. The appellant is the plaintiff, who instituted a suit for Partition. Along with the suit, an Interlocutory Application is filed in I.A.No.313 of 2017 for interim injunction. The trial Court adjudicated the issues and made a finding that the petitioner is not entitled for the relief of injunction since she has filed only a Partition Suit and she has not sought for injunction as against the defendants. Thus, the Interlocutory Application was dismissed. Challenging the said order, the present Civil Miscellaneous appeal is filed.

3. The learned counsel appearing on behalf of the appellant made a submission that the respondents are taking steps to challenge the character of the suit property and the suit is pending for the past about 3 years and unless an interim order is granted, the same would cause prejudice to the interest of the appellant.

4. This Court is of the considered opinion that the suit is pending for about 3 years without any interim order and therefore, it is not preferable to grant an order of interim injunction at this length of time. However, the parties to the suit are bound to maintain Status quo till the disposal of the suit.

5. This being the factum, both the appellant as well as the respondent are directed to maintain Status quo as on today till the disposal of the suit filed in O.S.No.111 of 2017. The trial Court is directed to expedite the trial and dispose of the suit as expeditiously as possible and preferably within a period of ten (10) months from the date of receipt of a copy of this judgment. The parties to the suit are directed to co-operate for the early disposal of the suit.

6. Accordingly, the judgment and decree dated 30.08.2018 passed in I.A.No.313 of 2017 in O.S.No.111 of 2017, on the file of Additional District Judge, Hosur stands modified and consequently, the Civil Miscellaneous Appeal in C.M.A.No.2489 of 2018 stands allowed in part.

7. The parties to the appeal are restrained from seeking unnecessary adjournments. Adjournments are to be granted only on genuine grounds and by recording reasons. Adjournments on flimsy grounds are to be rejected in limine by all Courts. The parties cannot be given privilege of getting adjournments for their benefit in order to prolong and protract the issues. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Additional District Judge,
Hosur.

+1cc to M/s.V.Raghavachari, Advocate Sr.2972

C.M.A.No.2489 of 2018

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srg 26/03/2021