



CRP(PD)No.277 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(PD)No.277 of 2022 and
CMP.No.1335 of 2022

T.Nirmala

... Petitioner

Vs

R.Tamilselvi

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 09.09.2021 made in I.A.No.167 of 2021 in O.S.No.2237 of 2021 on the file of II Additional District Munsif, Puducherry.

For Petitioner :Mr.D.Ravichander

ORDER

The grievance of the petitioner is that having granted an injunction on 09.09.2021, the learned II Additional District Munsif, Puducherry is adjourning I.A.No.167 of 2021 for more than four months now.

2.Despite the fact that the petitioner has filed written statement even on the first hearing date i.e. 06.10.2021 along with the memo to treat the



CRP(PD)No.277 of 2022

written statement as counter in the Interlocutory Application, the learned II Additional District Munsif has not chosen to dispose of the application. An application filed by the petitioner in I.A.No.219 of 2021 seeking to vacate the interim order under Order 39 Rule 4 of CPC is also being adjourned for filing counter.

3.Mr.D.Ravichander, learned counsel appearing for the petitioner would submit that the learned II Additional District Munsif has even adjourned the application filed by the petitioner seeking to advance the hearing for filing counter. These statements of the counsel are also borne out by records. This is very sad state of affairs. Order 39 Rule 3A of CPC mandates the Court to dispose of an application for injunction within 30 days in cases where injunction has been granted without notice. The trial Court is not justified in adjourning the matter endlessly even after the counter has been filed.

4.The learned District Munsif would have done well to have atleast disposed of the application for vacating the injunction filed under Order 39 Rule 4. Eventhough much can be said about the conduct of the learned District Munsif in adjourning the matter time and again, I do not propose to



CRP(PD)No.277 of 2022

dwel deep into that question. This civil revision petition is disposed of with a direction to the learned II Additional District Munsif, Puducherry to dispose of the Interlocutory Applications in I.A.Nos.167 and 219 of 2021 on or before 15.03.2022. The learned II Additional District Munsif is directed to report such disposal to this Court. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2022

vs

Index: No

Speaking order

**Note:Registry is directed to upload
this order on 04.02.2022.**

To:

- 1.The II Additional District Munsif,
Puducherry.
- 2.The Section Officer,
VR Section,
Madras High Court, Chennai.

R.SUBRAMANIAN, J.

3/4



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CRP(PD)No.277 of 2022

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CRP(PD)No.277 of 2022 and
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03.02.2022