



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

O.S.A.No.88 of 2022
and C.M.P. No.6461 of 2022

R. Suresh Kumar

.. Appellant

v.

1. S. Sriram

Minor Represented by Mother and
natural guardian Mrs. S.Hima Bindu

[Plaintiff was declared as major and mother
Mrs. S.Hima Bindu has been discharged from
the guardianship as per order dated 01.08.2018 in
Appl. No.5878 & 5879 of 2018 and time extended
as per order dated 07.12.2018]

2. R. Sridhar

3. S. Monish (minor)

Represented by father and natural guardian
R. Suresh Kumar

4. R. Srinivasan

5. P. Vinitha

6. S.Viswanath

7. R. Murali

8. M.Sairam

9. M.Jayasri

.. Respondents

Original Side Appeal filed under Clause 15 of Letters
Patent and Order 36 Rule 11 of Original Side Rules to set
aside the order dated 31.01.2022 passed in Application
No.2772 of 2021 in O.A.No.894 of 2016 in C.S.No.213 of 2016.

For Appellant : Mr.A.K. Raghavulu

For Respondents: Mr. MA.Gouthaman



JUDGMENT

(Order of the Court made by M.DURAI SWAMY, J.)

Challenging the order passed in Application No.2772 of 2021 in O.A.No.894 of 2016 in C.S.No.213 of 2016, the 2nd defendant has filed the above Original Side Appeal.

2. The plaintiff filed the suit in C.S.No.213 of 2016 for partition and other reliefs. In the said suit, the plaintiff took out an application in O.A.No.894 of 2016 seeking for an order of interim injunction restraining the defendants from alienating the suit properties.

3. The learned Single Judge, by order dated 22.11.2016, granted an order of interim injunction. Subsequently, an application in A.No.2772 of 2021 was filed to vacate the order of interim injunction. The learned Single Judge, by order dated 31.01.2022, vacated the order of interim injunction granted in respect of Plot D allotted to the 7th defendant and his branch vide partition deed dated 20.09.2010. Challenging this order, the 2nd defendant has filed the above Original Side Appeal.

4. It is brought to the notice of this court that the suit was taken up for trial and the evidence of plaintiff's side was also closed and that the matter is posted for defendants' evidence.

5. Since the suit is in the advanced stage of trial, we are of the considered view that instead of going into the merits of the order passed in A.No.2772 of 2021, it would be suffice to request the learned Single Judge to dispose of the suit in C.S.No.213 of 2016, within a time frame. Learned counsel appearing on either side also submitted that the learned Single Judge may be requested to dispose of the suit at the earliest.

6. Having regard to the submissions made by the learned counsel on either side, without going into the merits of the order passed in A.No.2772 of 2021, we request the learned Single Judge to dispose of the suit in C.S.No.213 of 2016, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

With these observations, the Original Side Appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



Rj

To,

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+2 ccs to Mr.M.A.Muthalakan, Advocate Sr.NO. 25678

O.S.A.No.88 of 2022
and C.M.P. No.6461 of 2022

MG (CO)

A.SK (04/05/2022)