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C.R.P.(PD)No.1585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)No.1585 of 2022

S.T.Gangadharan

...Petitioner

..Vs.

1.T.Malliga.

2.T.Sarala

... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India, to order of speedy disposal of the interim application filed in I.A.No.3 of 2021 in Civil Suit No.12/2021 pending on the file of the learned District Judge of Chengalpet.

For Petitioner : Mr.V.Balasubramani

For Respondents : Mr.K.Perumal

ORDER

This Civil Revision Petition has been preferred seeking a direction for speedy disposal of I.A.No.3 of 2021 in O.S.No.12 of 2021 pending on the file of the District Court, Chengalpattu.

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2. The revision petitioner is the plaintiff, who has filed the suit in O.S.No.12 of 2021 for the reliefs of declaration, partition and permanent injunction. Pending suit, the plaintiff also filed an application in I.A.No.3 of 2021 for seeking temporary injunction for restraining the second respondent/second defendant from alienating the suit property till the disposal of the suit.

3. The learned counsel for the revision petitioner submitted that despite an interlocutory application has been filed in the year 2021, the same is pending for more than 1 ½ years without any disposal; if the respondents alienates the suit property before the disposal of the suit that will cause multiplicity of the proceedings and hence, the learned trial judge should be directed to dispose the interlocutory application as expeditiously as possible.

4.The learned counsel for the respondents/defendants submitted that due to Covid-19 pandemic situation the matter cannot be heard in a



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phased manner and the defendants also not going to alienate the suit property during the pendency of the suit. In that case, a simple undertaking given by the defendants' counsel that the property will not be alienated before the disposal of the suit would be sufficient and the learned trial Judge can take up the suit itself for disposal.

5.It is reliably learnt that the written statement of the defendants has already been filed and the matter is posted for framing issues on 15.07.2022. In that event, the learned trial Judge complete the settlement of issues, the matter itself can be listed for trial and disposed early.

6.In the event of any impossibility for getting an undertaking from the defendants that they shall not alienate the suit property, the learned trial Judge shall take a call and dispose the interlocutory application in I.A.No.3 of 2021 as expeditiously as possible.



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7. With these observations, this Civil Revision Petition is disposed of. There shall be no order as to costs.

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Index:Yes No
Speaking Order:Yes/No
ms

To

The District Judge,
Chengalpet.

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R.N.MANJULA, J.

ms

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