



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2185 of 2021
and
C.M.P.No.12117 of 2021

Venkatesh ...Appellant/1st Defendant

vs.

1.Sengodan ...1st Respondent/Plaintiff

2.Rajesh

3.S.K.S.Hospital Private Limited,
Having its office at No.23, SKS Hospital Road,
Alagapuram,
Salem-636 004.

4.PSR Fashions and Lifestyle Pvt. Ltd.,
Having its office at No.942,
PSR House,
Cross Cut Road,
Gandhipuram,
Coimbatore-641 012.

...2 to 4th Respondents/Defendants 2,4 & 5

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 (s) r/w. Section 104 of C.P.C., against the Fair Order and Decreetal Order dated 26.07.2021 made in I.A.No.266 of 2018 in O.S.No.126 of 2018 on the file of the learned Third Additional District Court, Salem to set aside the same and allow the above Civil Miscellaneous Appeal.

For Appellant : Mr.T.R.Rajagopalan, Senior Counsel
for Mrs.P.Veena Suresh

For Respondents : Mr.T.Murugamanickam, Senior Counsel
for Mrs.Zeenath Begum - [R1]
Mr.S.Saravanan [R2]
R3 & R4 Served - No Appearance

JUDGMENT

This Civil Miscellaneous Appeal is filed by the appellant challenging the Fair Order and Decreetal Order dated 26.07.2021 made in I.A.No.266 of 2018 in O.S.No.126 of 2018 on the file of the learned III Additional District Court, Salem.



2. The learned Senior Counsels on either side had made their submissions extensively.

3. The challenge is to the appointment of a receiver to collect the rents and the suit is one for partition. The records would show that the suit itself is ripe for trial. Therefore, without going into the merits of the case, this Court feels that no orders are required to be passed in the appeal. Consequently, the Civil Miscellaneous Appeal is allowed and the Fair Order and Decreetal Order dated 26.07.2021 made in I.A.No.266 of 2018 in O.S.No.126 of 2018 on the file of the III Additional District Court, Salem is set aside, with a direction to the learned III Additional District Judge, Salem, to dispose of the suit in O.S.No.126 of 2018 on or before 30.09.2022. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The III Additional District Judge,
Salem.

2.The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

+lcc to Mr.S.Saravanan, Advocate SR. No. 28328
+lcc to Mrs.P.Veena Suresh, Advocate SR. No. 28252
+lcc to Mrs.Zeenath Begum, Advocate SR. No. 28197

C.M.A.No.2185 of 2021
and
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AKII (CO)
PR (24/05/2022)