



C.R.P.(PD)No.2350 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)No.2350 of 2022

and

C.M.P.No.12106 of 2022

Sampath @ Sampath Kumar

... Petitioner

..Vs.

1.G.Kasthuri

2.Ranjith

3.Nandhini

... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 12.11.2021 made in I.A.No.1390 of 2018 in I.A.No.663 of 2015 in O.S.No.227 of 2015 on the file of the District Munsif, Dharapuram.

For Petitioner : Mr.N.Ponraj

ORDER

This Civil Revision Petition has been preferred challenging the order dated 12.11.2021 made in I.A.No.1390 of 2018 in I.A.No.663 of



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2015 in O.S.No.227 of 2015 on the file of the District Munsif Court, Dharapuram.

2. Heard the learned counsel for the petitioner and also perused the materials available on record.

3.The revision petitioner is the plaintiff, who filed a suit in O.S.No.227 of 2015 against the respondents/defendants for the reliefs of declaration and permanent injunction. Along with the suit an interlocutory application in I.A.No.663 of 2015 has also been filed seeking temporary injunction. The said interlocutory application was closed on 16.08.2018. Subsequently, the plaintiff has filed I.A.No.1390 of 2018 seeking to re-open and re-hear the said injunction application and the same was dismissed. Aggrieved over the same, the plaintiff has filed the present revision petition.

4. It is seen from the order of the learned trial Judge that the suit itself is ripe for trial and whatever relief the petitioner intends to get that can be canvassed during the trial itself. The application seeking



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temporary injunction is filed just to get an interim relief till the disposal of the case. When the case is reached the stage of trial, it is upto the plaintiff to conduct an early trial and get a disposal of the suit itself. At this stage rehearing the injunction application would only cause further delay and waste of time of the Court.

5. In the present case, the injunction application has been filed as early as in the year 2015. It was kept pending for three years. Despite no pressure was given for an early hearing and subsequently the said application was closed in the year 2018. Thereafter, the application to re-open the injunction application was filed in the year 2018. Even that application was also not pressed for three years and at last on 12.11.2021, the learned trial Judge has dismissed the application by stating that there is no need to re-open the injunction application and the parties are at liberty to conduct the suit itself. I find no grounds for interference. However, taking into consideration the long pendency of the suit and also



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the stage of the suit, it is right for the learned trial Judge to deem it appropriate to hear the suit itself.

6. In view of the above, this Civil Revision Petition is disposed of and taking into consideration of the long pendency of the suit the learned trial Judge is directed to dispose the suit as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

28.07.2022

Index:Yes No
Speaking Order:Yes/No
ms

To

The District Munsif,
Dharapuram.



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R.N.MANJULA, J.

ms

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