



C.R.P(PD).No.4746 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P(PD).No.4746 of 2013
and M.P.No.1 of 2013

1.Sambasivam
2.Rukaniammal

... Petitioners

Vs.

1.Arumugam
2.Selvamani
3.Swamimalai
4.Kannan

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, seeking to set aside the fair and decreetal order dated 09.12.2012, wherein the trial Court had issued summons to the witness for production of documents and oral examination during the hearing of injunction application in I.A.No.425 of 2012 in O.S.No.104 of 2012 pending on the file of the District Munsif Court, Panruti.

For Petitioners : Mr.N.Jothi, Senior Counsel
for S.Vinod

For Respondents : Mr.S.K.Rakhunathan for R1 & R2

R3, R4 – not pressed
(vide memo & order dt.02.12.2019)



C.R.P(PD).No.4746 of 2013

ORDER

In a suit for declaration of title and for certain ancillary relief of injunction, plaintiffs had taken out an application for interim injunction (originally taken on record as I.A.No.425 of 2012 before the vacation Court and taken on record as I.A.No.292 of 2012 by the jurisdictional District Munsif Court), in which an exparte order, interim injunction was also passed, and it is stated that the same continues till date. During the final hearing of I.A.No.292 of 2012, the defendants stated to have taken out I.A.No.442 of 2012 for obtaining certified copies of certain documents under Rule 76 of the Civil Rules of Practice. This application was ordered, but the defendants / respondents herein did not make any application for obtaining the same. It appears that the defendants / respondents attempt to produce a whole file of documents from a certain public office and wanted to mark the same and this attempt is now under challenge.

2.Heard Mr.N.Jothi, the learned Senior Counsel for the revision petitioners and Mr.S.K.Rakhunathan for the respondents.



C.R.P(PD).No.4746 of 2013

3. Without getting into the merits of the contention of either side, this Court considers it necessary to direct the trial Court to dispose of the suit itself. It needs to be stated that the suit is pending for 11 years today and the respondents have suffered an order of interim injunction till date. To press it with the present C.R.P. may not be profitable given the need for disposing of the suit.

4. Hence, this Court disposes the C.R.P. with a direction to the trial Court to dispose of the main suit. This Court fixes a date for commencement of trial on 05.04.2023 and requires the trial Court to dispose of the suit within a period of four (4) months, excluding the summer recess – 2023. The right of the defendants / respondents to produce such evidence as per law is left open.

5. The Civil Revision Petition stands disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

21.03.2023

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N.SESHASAYEE, J.

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To.

The District Munsif Court
Panruti.

C.R.P(PD).No.4746 of 2013
and M.P.No.1 of 2013

21.03.2023