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C.M.A.No.1390 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.M.A.No.1390 of 2020

1. Parvathy
2. Geetha

... Appellants

-VS-

Palanisamy

... Respondent

Prayer:- Civil Miscellaneous Appeal Petition filed under Order 43 Rule 1 of the Civil Procedure Code against the fair and decreetal order passed in IA.No.2 of 2020 in O.S.No.10 of 2020 dated 26.02.2020 on the file of IV Additional District and Sessions Judge, Erode at Bhavani.

For Appellants : Mr.S.Parthasarathy, Sr.C.
For M/s.P.Dinesh Kumar

For Respondent : Mr.E.P.Senniyangiri

JUDGMENT

The appeal has been filed seeking to quash the fair and decreetal order passed in IA.No.2 of 2020 in O.S.No.10 of 2020 dated 26.02.2020 on the file of IV Additional District and Sessions Judge, Erode at Bhavani



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2. The appellants are the defendants and the respondent/plaintiff filed a suit in O.S.No.10 of 2020 before the IV Additional District and Sessions Judge, Erode at Bhavani for declaration and permanent injunction in respect of the property mentioned in the suit schedule and the trial Court also granted interim injunction in IA.No.02 of 2020 in OS.No.10/2020. As against the said order of IA, the appellant has filed the present appeal.

3. The learned Senior Counsel for the appellants submitted that while entertaining the appeal filed by the appellants, this Court vide its order dated 09.10.2020, granted order of Status Quo and as on date, the same is in force. Before the trial Court, pleadings have been completed by both the parties in the main suit. Therefore, this Court may issue a direction to the trial Court to dispose the suit within the stipulated period as fixed by this Court and till then, this Court may extend the order of status quo.

4. The learned counsel for the respondent submitted that before the trial Court, pleadings have been completed and this Court may issue a direction to the trial Court to dispose the suit within a stipulated time and however, the learned counsel vehemently opposed to extend the order of status quo.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court directs the appellants/defendants to file a written statement before the trial Court within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the learned Judge, IV Additional District and Sessions Court, Erode shall dispose the suit in OS.No.10 of 2020, after providing opportunity to the parties, on merits and in accordance with law, within a period of three months, thereafter. The order of status quo is extended till the disposal of the suit in O.S.No.10 of 2020.

7. With the above direction, the Civil Miscellaneous Petition is disposed of. No costs.

06.12.2023

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Index: Yes/No

NCS : Yes/No

To

The Judge, IV Additional District and Sessions Judge, Erode at Bhavani.



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M.DHANDAPANI,J.

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