



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.2435 of 2022

and

C.M.P.No.13106 of 2022

S.Prabhu

... Petitioner

Vs.

1.C.Rangasamy

2.R.Rani

3.R.Rajendran

4.R.Bangaru

5.R.Karthika

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 01.12.2021 passed in I.A.No.2 of 2021 in O.S.No.76 of 2021 on the file of the District Munsif Court, Sendamangalam and grant the injunction as prayed for.

For Petitioner : Mr.S.Kanniah

For Respondents : Mr.K.T.S.Sivakumar



ORDER

The Civil Revision petition has been filed against the order dated 01.12.2021 passed in I.A.No.2 of 2021 on O.S.No.76 of 2021.

2. The revision petitioner is the plaintiff, who instituted a Suit for permanent injunction in O.S.No.76 of 2021. Along with the Suit the revision petitioner file I.A.No.2 of 2021 for grant of interim injunction, which was granted by the Trial Court at the time of admission of the Suit. The injunction was in force. While so, the Trial Court on 01.12.2021 closed the Interlocutory Application without assigning any reason and merely on the ground that the Suit was ripe for trial.

3. The learned counsel for the revision petitioner mainly contended that the Interlocutory Application was not decided on merits. More so, the injunction was in force all along from the institution of the Suit and till such time the Suit was posted for trial. The Trial Court without recording any reason simply closed the Interlocutory Application, which is improper and caused prejudice to the interest of the plaintiff, since he is enjoying the interim injunction granted by the Trial Court from the date of the admission of the Suit by the Court.



4. The learned counsel for the respondent objected the said contention by stating that the petitioner is seeking adjournment after adjournment unnecessarily with an idea to prolong the Suit. On 21.04.2022, the revision petitioners sought for adjournment on the ground that they filed change of vakalat. Again on several occasions, on the same ground they requested the Court to grant adjournment and therefore, the revision petitioners attempted to drag on the Suit proceedings and thus, the civil revision petition is to be rejected.

5. The fact remains that the revision petitioner / plaintiff obtained adjournments after 07.03.2022 on the ground of change of vakalat. However, the Interlocutory Application was closed by the Trial Court on 01.12.2021 prior to the adjournment granted on 07.03.2022. Therefore, the objections raised by the respondents are irrelevant with reference to the order impugned dated 01.12.2021.

6. Interim injunction was granted initially by the Trial Court. While so, the Interlocutory Application if at all to be disposed of, it is expected to be disposed on merits and by assigning reasons. Merely because the Suit



was ripe for trial, the interim injunction granted need not be closed without assigning any reason. Thus, this Court is of the considered opinion that the closure of the Interlocutory Application on 01.12.2021 without assigning any reason by the Trial Court is improper and not in consonance with the established principles. While disposing of the Interlocutory Application reasons must be assigned, since the interim injunction was granted by the Trial Court at the time of admission of the Suit instituted by the revision petitioner.

7. Parties to the Suit are expected to co-operate for the purpose of disposal of the Suit. Any party attempting to drag on the proceedings are to be viewed seriously and in the event of unnecessary adjournment, Courts are empowered to impose maximum costs. Adjournments cannot be granted in a routine manner on flimsy grounds. Even if adjournments are sought for on certain grounds, the genuinity of the ground must be recorded by the Courts, while granting such adjournments and in all other circumstances, the cases listed are to be proceeded with. In the present case merely on the ground of change of vakalat, the revision petitioners obtained adjournments on several occasions. Such a practice cannot be appreciated and the Trial Courts are expected to ensure that the cases are decided in a consistent manner and



non-cooperation on the part of any parties of the litigation to be viewed seriously. Any attempt to drag on the proceedings with some motive is to be thwarted. Courts cannot encourage such practice of seeking unnecessary adjournments.

8. However, in the present case, interim injunction granted in the Interlocutory Application cannot be closed in the manner as it was closed by the Trial Court and thus, this Court is inclined to consider the civil revision petition and accordingly, the order dated 01.12.2021 passed in I.A.No.2 of 2021 in O.S.No.76 of 2021 is set aside and the interim injunction initially granted shall continue till the disposal of the Suit.

9. The Trial Court is directed to dispose of the Suit as expeditiously as possible. The parties to the Suit are directed to cooperate for early disposal of the Suit and in the event of non-cooperation or seeking adjournments on flimsy grounds exemplary or maximum cost is to be imposed by the Trial Court.



10. With the above directions, this Civil Revision Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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20.01.2023

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Index : Yes

Neutral Citation : Yes

Speaking order

To

The Judge,
District Munsif Court,
Sendamangalam



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S.M.SUBRAMANIAM, J.

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