



CRP No.2962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Dr.M.Krishnaveni

... Petitioner

/vs/

Dr.T.P.Praveena

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Principal District Munsif, Tiruvannamalai to dispose of the application pending in I.A.No.2/2023 in O.S.No.65/2023 filed under Order 39 Rule 1 CPC at an early day, within the time limit, that may fixed by this Court.

For Petitioner ... Mr.N.R.S.Ganesan

For Respondent ... Mr.S.Ramesh Kumar,
for Mr.K.Mani

ORDER

This civil revision petition has been filed to direct the learned Principal District Munsif, Tiruvannamalai to dispose of the application pending in I.A.No.2/2023 in O.S.No.65/2023 filed under Order 39 Rule 1 CPC at an early day, within the time limit, that may fixed by this Court.



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2. The petitioner herein is the defendant and the respondent herein is the plaintiff in the above said suit, which was filed for permanent injunction, restraining the petitioner/defendant from interfering with the peaceful functioning of the respondent/plaintiff's hospital, except procedure by law. While filing the suit, the respondent /plaintiff has filed I.A.No.2/2023, seeking interim injunction and the same was granted on 18.04.2023. In the above interim application, the petitioner herein has filed counter affidavit on 09.06.2023 and thereafter, it was periodically adjourned for enquiry, without any progress and the interim order is also extended from time to time. Hence this civil revision petition has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and I have perused the materials on record.

4. Admittedly, the petitioner herein is the defendant and the respondent herein is the plaintiff, who filed the above said suit for permanent injunction against the petitioner, as stated supra and also



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obtained exparte interim injunction in I.A.No.2/2023 on 18.04.2023; and subsequently, the petitioner has filed his counter affidavit in the above application.

5. According to the learned counsel for petitioner, there is no whisper in the above application in I.A.No.2/2023 that the respondent is in possession of the property either as a tenant, or otherwise, however, without considering the same, the learned Trial Judge has granted interim injunction. It is further contended by him that, an application under Order 39 Rule 1 of CPC, has to be disposed of, within the time limit of 30 days, as prescribed under Order 39 Rule 3A CPC, but, the interim injunction, already granted on 18.04.2023 is still continuing, beyond the period of 30 days, which would amount to abuse of process of court. Therefore, necessary direction may be given to the learned Trial Judge to dispose of I.A.No.2/2023 in the above said suit.

6. At this juncture, the learned counsel for the respondent/plaintiff submitted that the respondent is in need of six months time, to settle the dispute between her and the petitioner herein.



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7. Considering the submission made by the learned counsel for the petitioner and the learned counsel for the respondent, and also taking into account the fact that though interim injunction was granted on 18.04.2023 itself, the application in I.A.No.2/2023 is still pending for enquiry, without any progress, I am inclined to direct the learned Trial Judge, to dispose the above application within a time frame.

8. Accordingly, this civil revision petition is allowed. No costs. The learned Principal District Munsif, Tiruvannamalai is hereby directed to dispose of the I.A.No.2/2023 in O.S.No.65/2023, on merits, within two months from the date of receipt of a copy of this order.

26.02.2024

Note: Issue Order copy on 27.02.2024

Index : Yes/No

Internet : Yes/No

mst

To

The Principal District Munsif, Tiruvannamalai.



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V.SIVAGNANAM ,J.

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